

PLACE, POWER & SOCIAL LAW


A History of Tasmania's Central North 1810-1900

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ABSTRACT

The thesis explores the linked themes of place, power and social law in Tasmania's Central North during the colonial period. A solid attachment to place, usually through land ownership restricted to small elites, was a necessary precondition for meaningful engagement in social, economic and political decision-making; social law, which focussed on power relations in specific local places, worked to maintain this privileged relationship. This tripartite relationship, which constitutes an underlying organisational framework for the thesis, is explored in several contexts. In pre-invasion places, the control of tribal land, the practice of tribal law, and the conception of nature as an active participant in daily life empowered Aboriginal communities, encouraged individual participation in collective life, and promoted social cohesion both within and between social units. In colonial society, a solid attachment to place and hence full participation in the social process was the privilege of a select few. Social law legitimated a class structure of prosperous landlords, struggling tenant farmers and itinerant agricultural laborers. Conceiving nature as an aggregation of passive commodities, farmers and their workers induced radical transformation in ecological communities; social law was deployed in the hope of limiting the damage. From the late 1850s, local landed elites assumed formal political power in both local and central places. Most social law preserved elite interests, and a system of local authority policed emancipated farm labourers in the region's country towns.

Aggrieved groups contested elite power in local places. Using the threat of force as their major weapon, Aborigines resisted an invasion characterised by the rule of men. Some convicts engaged in organised insubordination, and many emancipists asserted economic independence and social distinctiveness. Small farmers challenged the power of colonial parliament to deny them a tariff for wheat and reform of the 1874 Landlord and Tenant Act. Few, if any indigenous ecological communities survived intact, but nature demonstrated an ability for vigorous regeneration and accommodation of exotic flora and fauna, as well as a capacity to frustrate farmers' expectations of agricultural prosperity. Relations of power between the regional place and its political centre in Hobart were often strained, especially with regard to the eradication of noxious pests and diseases and police management, and did not always conform to recognisable class distinctions. Local concern derived from perceived violations of local authority and its attendant ideologies of individual liberty and the rights of property. By century's end a new generation of colonial politicians hostile to local authority had successfully promoted the rise of central authority and parliamentary democracy; in the wake of this shift, the influence of individual liberty and property rights as ruling ideologies waned. Social and political power was henceforth more widely shared, as was property, opportunities for meaningful attachment to place increased, and the focus of social law shifted from protecting privilege to promoting the common good. Achieving a place of 'common good', however, proved more difficult than its promoters imagined.

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ABBREVIATIONS

<i>CSO</i>	Chief Secretary’s Office, Hobart
<i>AOT</i>	Archives Office of Tasmania, Hobart
<i>LCJ</i>	Legislative Council Journals
<i>HAJ</i>	House of Assembly Journals
<i>THRA</i>	Tasmanian Historical Research Association, Hobart
<i>P&P, THRA</i>	Papers & Proceedings, Tasmanian Historical Research Association
CN	Central North

WEIGHTS & MEASURES

Units of currency are expressed in pounds, shillings and pence
Weights are expressed in tons and lbs
Units of land are expressed in acres

* * *

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The more the two of them looked at fur and teeth and flower and beak and proboscis the more he himself became aware of a huge, inexorable random constructive force, not patient, because it was mindless and careless, not loving, because it was remorseless in its discarding of the ineffectual or the damaged, not artistic, because it needed no wonder to fuel its subtle and brutal energies, but intricate, but beautiful, but terrible. And the more he delighted in his own observations of its gradual workings the more vain and pathetic he felt Harald's attempts to throw a net of theology over it, to look into its workings and churning for a mirror of his own mind, to demand of it kindness, or justice.

A.S.Byatt, *Angels and Insects*,
London: Vintage, 1993, p73

Introduction

PLACE, POWER & SOCIAL LAW

On Sunday 2 February 1860 at about two o'clock in the afternoon, farm servant Michael O'Neill left his master's premises to visit a public house in nearby Deloraine. O'Neill, a ticket-of-leave holder in the employment of farmer and MHA A.F. Rooke,¹ had but one pot of ale during the day and was quite sober when he returned about seven that evening. O'Neill went looking for his dinner, but quarrelled with the mens' cook. The cook left the scene of the argument to complain to the overseer. Undeterred, the servant entered the kitchen and prepared himself some 'tea'. The overseer, who claimed he 'never saw a more violent man',² arrived before O'Neill had finished his meal. The overseer told O'Neill to go to bed and that would be the end of the matter. O'Neill promptly did as he was told. Less than half an hour later, two constables entered his room and told him to get up. Unimpressed, O'Neill refused and resisted the constables' attempts to pull him from his bed. The constables, however, dragged O'Neill from his hut and handcuffed him. According to the overseer, Constable Johnston struck O'Neill 'around the arms and legs with a short whip'.³ A stick was passed between his wrists and with a constable on each end, he was dragged through the bush. While being pulled through a fence, the prisoner's leg became jammed, the constables' gave his body a sudden turn and his left leg was broken. On finding that O'Neill was unable to walk, the constables fetched a horse and took him to the Deloraine watch-house. The local doctor, Dr Rock, refused to see the prisoner that night. O'Neill's leg was so inflamed the next day he had to be sent to the Launceston hospital.⁴ Dr Rock bandaged the broken leg, but according to O'Neill he was not sent to Launceston until the following day, Tuesday. The cart was met at Westbury by police magistrate Jones who told the constables that if he could not go on, the prisoner was to be left at Westbury. The journey proceeded, and some time afterwards the constables stopped at a public house, took the blinkers off the horse, which caused it to bolt, and O'Neill was much bruised and beaten against the sides and bottom of the cart.⁵

A Deloraine correspondent called 'Fair Play' offered a quite different version of events. At the time of the incident, the Rooke household had been plunged into sorrow by the sudden death of the master's wife. O'Neill, a man

of very bad character, exploited this situation to get drunk, fight with one man, quarrel with all, and use the most disgusting and abusive language. The overseer sent for the police and about ten o'clock on the Sunday evening O'Neill was arrested on charges of drunkenness and using threatening language. O'Neill violently resisted arrest, kicking and biting in order to free himself. As the constables were lifting the prisoner through a slip panel near the house, he twisted his leg around the post and placed his foot between the adjoining rails to prevent being taken further. The night was dark, the constables were unaware of O'Neill's folly, and his leg was broken. A bystander called Denis O'Neill, also in Rooke's service, was the first to see the position of Michael O'Neill's leg and released it. On finding O'Neill was hurt, the constables immediately procured a horse. On arrival at Deloraine medical attention was procured as soon as possible. On the following day, Monday, the prisoner was taken to Launceston in a spring cart and his escorts did all in their power to prevent inflicting pain. The story of the bolting horse was 'a pure invention'. Official enquiries were made and 'Fair Play's' version of events was accepted as fact.⁶

Despite some discrepancies of detail, these two radically different versions of this incident involving Michael O'Neill help illustrate the central argument and the major themes in this work: for much of the period the Central North in Tasmania was a *place* of privileged property, the *power* of which was challenged by a range of disaffected groups but reinforced by the operation of *social law*. Convicts and emancipists such as Michael O'Neill were essential components in the generation of landed wealth. But in the colonists' eyes, despite their value as seasonal agricultural labourers, emancipists were constant threats to good order. The purpose of the law at the local level was very much to maintain a place of good order. Good order was defined by landed elites and in practice aimed to keep in check former convicts, who were by definition incapable of rehabilitation. Along with most workers, emancipists thus lived in a place always potentially hostile, a place of exploitation and disenfranchisement for which O'Neill's broken leg was a metaphor. If O'Neill's claim that he helped himself to his dinner is true, subsequent events suggest his initiative was unacceptable: it was not his place to avail himself of the master's property. More generally, O'Neill's experience symbolises the fact that Tasmania in the period was a heavily regulated and policed place. The competing stories illustrate the ambiguity and malleability of power; the point at which the legitimate use of coercion

becomes legally sanctioned abuse depends upon the word, the status and the social function of the participants. The constables' story was believed, O'Neill's was dismissed as the fabrication of a 'bad character', the popular euphemism for convicts and emancipists. Michael O'Neill's resistance to the agents of property, however, is but one story in the wider narrative of resistance to elite power, a resistance involving Aborigines, tenant farmers, landless labourers, liberal politicians, and nature.

*

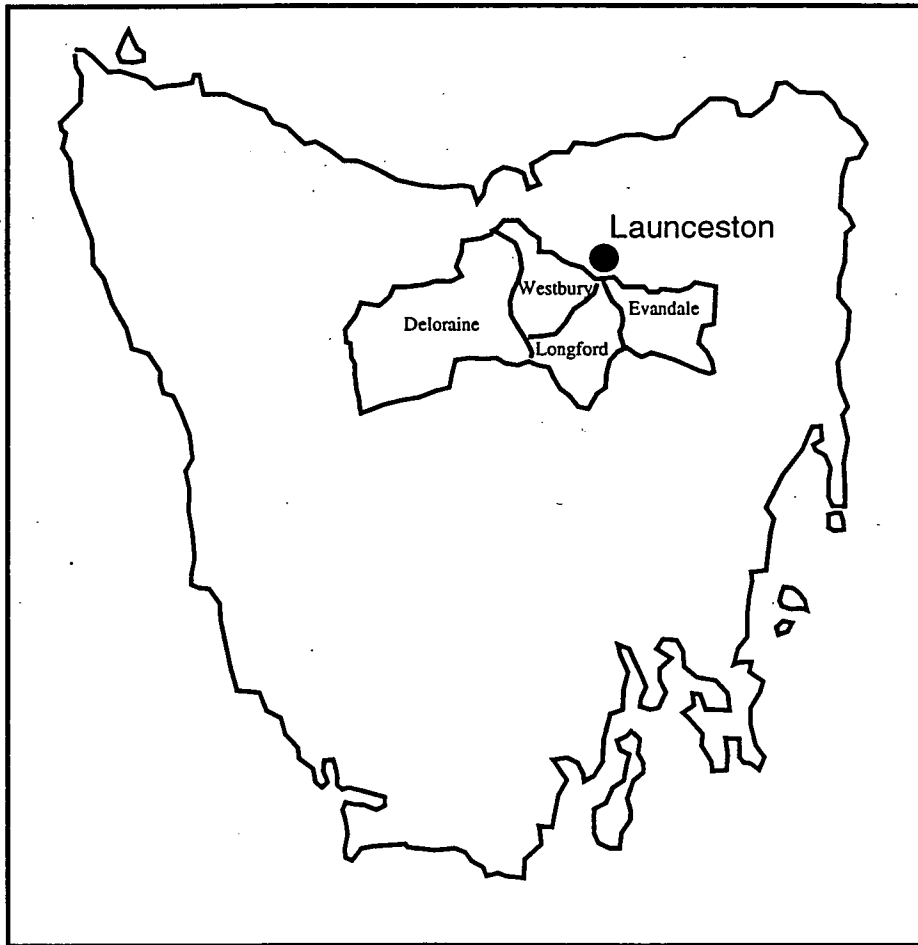
As Australian regions go, the Central North is relatively small, some 80 miles long and 20 miles wide. The population grew from 10,789 in 1857 to 15,480 in 1891, followed by a slight increase to 15,572 in 1901. Despite the overall increase, the region's share of the colony's population decreased from 13.36% in 1857 to 8.49% in 1901.⁷ In constructing the Central North as a region, I am, at least in one sense, imposing an arbitrary form on four distinctively conceived districts. In many ways this is a study of four districts, although the four districts in Tasmania's Central North can be conceptualised as a region on at least two major grounds. Although the economic profile of each district differed from the others, the region was used by the British for mixed farming, a broad combination of pastoralism and agriculture, and to a lesser extent for forestry and tourism. The notion of the Central North as an economic region is confirmed by the decision in the 1860s to build a railway, largely on the basis of its capacity to enhance farm profitability, which passed through each of the four districts on its way from Launceston to Deloraine.⁸ Politically, the four municipalities often combined in opposition to what they saw as encroachments on their authority by the central government in Hobart. The municipalities opposed the colonial government's attempts to collect a railway rate in 1873 and 1874, they joined forces to oppose the centralisation of the Health Act,⁹ and in particular they offered collective opposition, over a period of nearly thirty years, to attempts to centralise police management. The municipalities sometimes acted in unison within the region. They loaned each other police officers on the occasion of race meetings,¹⁰ and they co-operated in efforts to control sheep-stealing.¹¹ The notion of the Central North as a discrete region is, however, essentially non-Aboriginal. It is thus less appropriate, at least on the surface, for an analysis of regional Aboriginal relations with place than it is for the British. Nevertheless, much of value can be said about Aboriginal relations with the land in this region without containing those relations within a non-Aboriginal perspective. In particular,

the Pallittorre and the Panninher, the two known tribes in the Central North, practised similar economies and made regular use of each other's land.

Place

The word 'place' has a common meaning which normally refers to the 'where' of a particular place. But as a concept, 'place' assumes a more complex meaning as a particular part of space and what occupies that space. In this sense place is the product of an interaction between a physical location and human culture.¹² When I use the word place in the thesis I intend it to have this more complex meaning, so that place is in fact a living place or a specific cultural landscape, and a history of place is the history of a living place or cultural landscape, or a history of human society in, on, and with, and not merely at, a particular place. Conceptions of place are culture-specific, change over time, and derive their distinctiveness from both cultural and natural elements.¹³ Near where Michael O'Neill lived and worked, for example, was The Avenue, an open grassy plain known to local Aborigines as a prime hunting ground but to British colonists as a sheep and cattle run. This place was called The Avenue because a long stretch of open grassland was bordered on both sides by tree-covered slopes. It appeared to the colonists as an avenue, a naturally occurring version of the traditional English avenue. Elements of nature thus give distinctiveness and a certain ambience to particular places, but places also derive distinctiveness from human actions and experience inspired or governed by human consciousness, that totality of thoughts, ideas, feelings, impressions, and awareness of acts and volitions.¹⁴ The bushranger Matthew Brady saw The Avenue as a fine hide-out and a ready store of food. Captain Malcolm Laing-Smith, who was granted The Avenue in reward for his pursuit of Brady, saw the plain as an ideal sheep run, but the local Aborigines who bludgeoned to death 300 of Laing-Smith's ewes saw the plain as a stolen hunting ground in need of reclamation. The Avenue lost its appeal for Laing-Smith and he sold it cheaply to the emancipist William Field, who saw the plain as part of his burgeoning cattle empire.¹⁵ Conceptions of place are thus shaped by a dialectical relationship between at least three elements: human consciousness, which as ideology, science, religion and myth, is the medium through which the world is perceived, understood and interpreted; human experience, which induces changes in consciousness and perceptions of particular places; and the place itself, the perceived characteristics of which are in turn shaped by

consciousness and experience.¹⁶ Conceptions of place in the thesis thus draw on both Aboriginal and colonial conceptions, as well as conceptions articulated in recent writing.



Map 1: The four Central North municipalities in Tasmania

Since Tasmania's Central North is a predominantly non-urban region with a diverse physical environment, it can readily be conceived as nature. Nature was conceived by Australian Aborigines as a spiritual landscape, created and populated by ancestral beings who play active roles in Aboriginal lives. The great mythic beings made the land, the people, and provided the

food and water necessary to human life. Nature and specific objects within it were ascribed a totemic significance and hence inextricably linked to personal identity.¹⁷ Aboriginal conceptions of the natural world as holistic, active and animistic were, and are, intimately associated with social and cultural well-being.¹⁸ Colonists in both North America and Australia had quite different conceptions of nature to those of Aborigines. According to American philosopher and historian Carolyn Merchant, colonial conceptions of nature in North America stemmed from a predominantly visual consciousness, characterised by the sensory domination of visual signs, signatures and written symbols. The visual consciousness and its representations reflected the rise of an analytic, quantitative consciousness which emphasised efficient management and control over nature. By reducing nature to two-dimensional inscriptions such as maps, charts and equations, mechanistic science enabled scientists, cartographers and statisticians to reconstruct the natural order by gathering together places and features into a form that allowed simultaneous viewing. 'The visual and the material thus combined to produce power over nature through science'. When mapped, catalogued and coded, the space which used to belong to nature could be 'controlled by an "eye of power" and subjected to unlimited surveillance'.¹⁹ Simon Ryan has produced a similar analysis of Australian exploration cartography. Ryan argues the central purpose of cartographic discourse in the exploration era was to demonstrate 'control over the landscape...by actively constructing the scene through pre-existent descriptive paradigms'. Maps are therefore cultural productions and discourses of power rather than objective representations of reality.²⁰

In the recent past, ecologists and environmental historians have conceived of nature as a connected series of ecological communities. Forests, grassy woodlands, grassy plains, soils, riparian zones and riverine habitats constitute distinct ecological communities. Ecological communities are integrated units inhabited by plants, animals, insects, soils, water, air, and myriad organisms. Defining nature as a series of ecological communities points to an existence separate from human communities; it involves the idea, generally embraced by indigenous peoples, that nature was an active participant in relations with the human world and in various ways resisted and adapted to attempts by farmers and others to tame it.²¹ Such conceptions are much closer to indigenous conceptions of nature, and have emerged in response to the perception that western societies in the post-industrial period

have caused massive ecological degradation. Ecological conceptions of nature are thus simultaneously scientific, historical and political.

Both Aborigines and colonists recognised that nature offered the sustenance needed for human life. The contrasting forms of consciousness, however, produced very different conceptions of nature as a food resource. As a source of food, place was conceived as land. Donald Worster has suggested the term 'land' is an abstraction of nature;²² this may be so in a cartographic context, although in contemporary Australia, certainly in Aboriginal society, 'land' is often used as a synonym for nature. In the Central North, hunting grounds, property and farms were maintained or created as places of food production. The Aboriginal consciousness and its attendant ideology of land demanded respect for the land and a sustainable relationship with it. In contrast, British colonists in Australia and the Americas saw the land primarily as an aggregation of passive commodities, the abstraction of nature to which Worster referred. They could appreciate natural beauty as the handiwork of a Christian god and recognise its recreational potential, but the land was primarily a resource to be exploited as private property, and a wilderness to be botanically understood, transformed and ultimately subjugated to the ambition of human society.²³ The colonial ideology of land thus abstracted an Aboriginal landscape replete with sensory and spiritual meanings to information on a page, conceived as land and property with a specific economic use and a transitory monetary value. This process of abstraction was routinely expressed in the valuation roll, the property map, and the archive of agricultural statistics, all of which are used extensively in the thesis.

The contrasting Aboriginal and colonial conceptions of nature shared at least one important characteristic: the colonisation and control of chunks of nature, either as tribal land or colonial property, was a pre-condition for full participation in the social process. But this similarity was attended by a major difference. Aboriginal notions of territorial ownership were collective whereas British notions were essentially individualistic. Most if not all members of the Aboriginal group participated in territorial ownership and hence the total social process. Inclusive rituals expressed and enhanced this sense of participation.²⁴ In colonial society land ownership was a privilege, as was full participation in the social process, and colonial rituals such as horse race meetings and lower court hearings emphasised class differences. The level and nature of participation in the social process is best described by invoking

the myriad places, or cultural spaces occupied by people. Ceremonial sites, indigenous villages, rural districts, tenanted estates, country towns, streets, watch-houses, pubs, and racecourses are all cultural spaces which people inhabit, regulate and police in the context of the ruling consciousness and for specific purposes. As a totality, nature, land and the many cultural spaces might be imagined as the cultural landscape or living place called the Central North. The articulation of the dimensions of place and the forms of consciousness which accompanied human uses is only part of the story. We also need to characterise those many places in terms of how different social groups experienced them. In the thesis I characterise the various places in terms of the available evidence concerning peoples' responses to their living places, and in terms of the level of participation in the total social process afforded to identified social groups. My hope is that from this ordered approach to the study of place, a sense will emerge of Tasmania's Central North as a diverse and multi-layered living place built on the basis of the land itself.

Power

Like much else in the human world, the idea of power is characterised by an inherent ambiguity. Power can be understood as an abstract and yet actual characteristic of relations between interdependent entities, both human and non-human. Not surprisingly, given its ambiguous character, 'power' tends to elude or resist definition. Yet the task must be addressed because power is at the very core of the human condition. Power might generally be defined as advancing or protecting one's interests or achieving one's ambitions by seeking to influence, seduce or coerce others to take a particular course of action. As such, power is exercised in an ongoing set of circumstances in which participating parties seek to achieve their aims. Generalised definitions, however, can only be a starting point in any sustained attempt to understand the nature of power at particular moments and over time.

In the Central North, colonial society was constituted in such a way that larger landowners, certainly until the 1890s, were considerably advantaged in the exercise of power. Some historians have used the concept of a ruling class to explain the power of owners of capital, and certainly the concept of social class, whether or not associated with the ownership of capital, is useful for identifying broader social structures.²⁵ In this work, the

ruling class is conceived as a series of inter-related ruling or power elites.²⁶ In the Central North, ruling elites were centred on the district. Members were normally drawn from the class of large landowners but some non-landowners were members of ruling elites. Some landowners were members of one or two elites, but others were members of several; the element common to all elite members was control, usually through ownership but sometimes lease, of sizeable properties. Control of land and access to power went hand in hand. The formal power of local elites was expressed in several contexts. Elite socio-economic power, built on the grant and leasing systems of land disposal, was manifest in the hierarchical class system of landlord, tenant farmer and landless labourer. The socio-economic ascendancy of landed elites was enhanced by their ability to monopolise political institutions at both local and colonial levels. The dominance of colonial parliament by political elites meant that political reforms introduced in mainland colonies in the wake of colonial self-government were not introduced in Tasmania. Only one in three adult males could vote in House of Assembly elections, and one in seven in Legislative Council elections for most of the next four decades. These restrictions, which were eased towards the end of the century, were based on property ownership. Property qualifications for the House of Assembly were not completely abolished until 1901, when manhood suffrage was introduced, although severe qualifications remained for the Legislative Council.²⁷ The landed elites were thus in a position to ensure that legislation enhanced their powers and protected their interests. The establishment of local political institutions was provided for by the 1858 Rural Municipalities Act,²⁸ which empowered local landed elites to petition for the establishment of municipal government, variously referred to as local authority, local self-government, local independence or local autonomy. Municipal councils were elected on a restrictive property franchise and were controlled by local political elites, again drawn from the landed elites but sometimes including larger tenant farmers, especially in Deloraine and Westbury. Municipal government was based on the English system, which claimed to espouse the linked rights of property, individual liberty and local authority.²⁹ Together these ideas formed an ideology which governed the thinking and actions of most elite members. Since the major function of municipal government was the administration of justice at the local level, especially in the sphere of public order, the Rural Municipalities Act effectively created local legal elites.

The power of local elites was contested both locally and colonially. At the local level, Aborigines defended their country, convicts refused to work, and small farmers challenged the ruling free trade policy. Acts of resistance to elite power were often overt, but not always. James C Scott argues that many subordinate groups, especially Negro slaves, which routinely deferred to dominant elites, did so for reasons of survival. Their deference did not indicate consent to elite demands or expectations but often contained a 'hidden transcript' of resistance to elite power which worked to limit that power and hence gain some perceived advantage for those forced to defer.³⁰ For many members of subordinate groups, playing the game was a means of achieving some advantage in an otherwise powerless situation. Almost 100% of Deloraine emancipists charged with drinking offences, for example, pleaded guilty, presumably in the knowledge that a few days of shelter and meals in the local lock-up were forthcoming. (see Ch 10) At the colonial level, new political elites emerged in the 1880s to challenge the old. A new generation of MHAs, many of them lawyers and businessmen hostile to landed privilege, established a reformist political elite determined to dismantle local authority and impose central authority in its place. In the final decade of the century, this reformist elite reshaped the landscape of political power in Tasmania.³¹

Social law

In a recent article Alex Castles noted that nineteenth century historians such as Henry Melville and John West clearly understood the centrality of the law and its institutions in early colonial societies such as Van Diemen's Land. The law and its application was a measure of the workings of official authority, and a most obvious indication of the intentions and character of those holding political office.³² My argument is that the centrality of the law persisted in the second half of the colonial period, when a corpus of legislation defined as 'social law' played a major role in regulating both social relations and relations between human society and nature. The political dominance of rural property ensured that the central purpose of 'social law' was to construct and maintain a social order in rural places acceptable to property's interests. To a large extent this aim was achieved. The term 'social law' is taken from contemporary evidence, where it was used to refer to laws related to public drinking, school attendance, controlling agricultural pests, and electoral rights.³³ I have widened its meaning here to include legislation relevant to the local place but not concerned with criminal, insolvency or debt

law. Much social law contained penal provisions and was a device for structuring social relations and regulating interactions on a daily basis. Concern was expressed in the 1870s by some commentators about the relation of Tasmanian law to English law, especially the question of whether proposed legislation was in advance of English law. To these commentators, Tasmania was becoming a disturbingly liberal place. Others thought this an issue of no weight. The Real Property Act was in advance of English law, as was the 1856 Master and Servant Act until the English law was reformed in 1875, and no calamities had resulted.³⁴

Five sets of legislation are especially relevant in this study. Workplace law regulated relations between landlords and tenants, and between masters and servants. Until the 1870s, English laws favorable to landlords' interests were used for resolving disputes. Landlords' customary discretionary powers pertaining to landlord-tenant relations were enshrined in the 1874 Landlord and Tenant Act. Masters' power in the workplace over farm labourers and domestic servants, many of whom had been transported to the colony, was enhanced by a series of master-servant Acts. Secondly, local government and policing legislation facilitated the policing of working class occupation of public places. Councils used their legislative, judicial and executive powers to pass bye-laws, administer licensing laws, sit in local courts of petty sessions, and manage local police forces. The major targets of local law were former emancipists, most of whom were itinerant agricultural labourers. Socio-environmental legislation was used to enforce measures to eradicate agricultural pests and diseases, limit the hunting of indigenous fauna, and late in the century stem the clearfelling of forests by land speculators. Both local government and environmental legislation became foci for intense debate over the respective powers of central and local authority. Social law played a crucial role in distributing and redistributing land. Crown land leasing arrangements and a series of Waste Lands Acts consolidated the privileged distribution created by the grant system; in the early twentieth century, the Closer Settlement Act sought to induce and then impose state-organised redistribution of agricultural land. Finally, electoral laws, at municipal and colonial levels, ensured that for most of the century political and civil rights were restricted to privileged elites.

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Historical characters need to be connected to the social, political and economic processes which shaped their lives. My strategies in this matter are

quite basic. The wider study is located within the field of social ecology, or the study of 'human social and economic institutions and communities with respect to their interactions with other humans, species, and the natural environment'.³⁵ A socio-ecological approach lends itself well to the study of a regional place which aims, as this study does, for an integrated account of human and ecological history. More specifically, in Chapter 1, William Knight and John Hurling offer graphic illustration of colonists' experience of Aboriginal displeasure at their dispossession, while in the Prologue an unnamed native woman whom G.A. Robinson met at the Gog, near Deloraine, allows us to momentarily glimpse, albeit through jaundiced eyes, the world of an Aboriginal woman at the tail end of dispossession. Where the evidence allows, I have linked characters, especially politicians and policemen, to debates. Others, such as the many tenant families and itinerant labourers, appear as social groups from which individuals, both male and female, were randomly selected to illustrate collective experience. Emancipist and working class women, especially domestic servants and farmers' wives, sometimes as representative individuals and sometimes as a group, all make minor appearances.

The study of the central processes of place, power and social law, and the social, economic, ecological, political and legal contexts in which people experienced those processes, is supported by a range of explanatory concepts drawn from a variety of disciplines other than history, and from the past itself. The many-layered concept of place owes much to indigenous, colonial and more recent philosophical and geographical conceptions of place; environmental science and human geography respectively offer the concepts of ecological communities and cultural spaces. Historical sociology offers concepts of power, class and elites which are most useful in explaining social structure and relations. The hybridised concepts of biological imperialism and ecological transformations, and the ancient idea of nature as an active participant in human life, have been invaluable in charting ecological change over time and the processes involved in those changes. Many concepts or ideas used in the thesis derive from the colonial period, although I have widened the scope of some: social law, agricultural improvement, local authority, executive power, individual liberty, the public good. all these were regularly found in the historical documents, often enough to suggest they had general currency in the period. If nothing else, this eclectic conceptual armory highlights the twin realities that historians work in an extensive intellectual

milieu, and that they are active participants in a dialectical relationship with surviving fragments from the past.

The minor status of women in the thesis reflects the marginalised role of most women in the public sphere, which in turn raises the question of a feminist or a gendered interpretation of colonial history. Apart from acknowledging that a patriarchal elite ruled the colonial society, I have not engaged in a feminist or gendered analysis. There are two reasons for this. First, my research suggests that in the colonial society, class, more so than gender was the major determinant of access to power and prosperity, and the protection of social law. The socio-economic experience of the bulk of women, farmers' wives, domestic servants and labourers' wives, was shaped as much, if not more so by class than it was by gender. This was also the case for most men. Second, class and gender are not mutually exclusive categories. In certain contexts, the allegiance of elite women was clearly with their class rather than their gender. Women belonging to ruling elites were at least complicit in the subjugation and exploitation of female domestic servants, of which there were many in the Central North, and in the exploitation of many smaller tenant farmers and their families.³⁶

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The prologue is concerned with the ways in which the indigenous peoples of the Central North used and managed their lands before the British invasion. The narrative of the colonial period is divided into three sections: 'Taking the land & dividing the spoils', 'Farming the land', and 'Agricultural labour, local authority and the state'. Chapter 1 explores Aboriginal dispossession, especially attitudes to the use of force and justifications advanced for British colonisation. Chapter 2 discusses land distribution mechanisms and outcomes in colonial society. The chapter discusses the role of the land grant and crown land leasing systems in the formation of landed elites, the marginal impact of the Waste Lands Acts in the second half of the century and, briefly, the redistributive impact of the early twentieth century Closer Settlement Scheme.

The story of colonial land management and use and attendant ecological change during the period is addressed in Part II. The widespread incidence of tenantry in the Central North and the minimal regulatory role of landlord and tenant legislation is detailed in Chapter 3. Tenant farmers were key agents in the management and use of the land, and they made major contributions to the economic wealth of landed elites. In a very tangible sense,

tenants and farm labourers were the foundations on which the house of local authority was erected. Chapter 4 profiles the rural economy, and charts the agriculturalists' typically vain struggle for prosperity against low prices, small markets and the various elements of nature. Chapter 5 documents the emergence of political consciousness among Westbury and Hagley tenant farmers in the late 1880s, relations between their leader Daniel Burke and local MHA Thomas Reibey, and the farmers' efforts to improve conditions in the wheat industry. Chapter 6 explores measures to improve and mechanise agricultural practice. Chapter 7, argues that in the sphere of eradicating agricultural pests and diseases, power relations revolved around both class and place. Chapter 8 addresses the ecological consequences of Aboriginal burning and British farming, and briefly considers some colonial attitudes to place as nature. Local authority and the ways in which it was challenged by the rise of central authority is the major issue in Part III. Chapter 9 examines the experience of emancipist agricultural labourers, especially the ways in which they were policed in the workplace. Chapter 10 discusses the establishment of municipal councils in the early 1860s, their role in policing the working class occupation of public places within their municipalities, and briefly, moves to centralise the management of locally-controlled municipal police under a commissioner in Hobart.

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I like to think of the thesis as an exploration in historical form, an historical composition shaped by my teachers, historians I have read, my own intuitions and living associations with Tasmania's Central North, and the overwhelming incidence of evidence relating to place, power and social law. Perhaps all histories contain such elements, but the point seems worth making. The work takes the form of a conventional historical narrative, but employs an eclectic methodology including ethnographic history, black-white contact history, social, economic and political history, statistics and ecological history. Form and method are perhaps subservient, however, to the more personal motivations which prompted the study — a fascination with the natural beauty of the Central North, especially Deloraine, where I lived for twenty years, a primeval desire to feel a sense of belonging to this place, and as I became more familiar with the evidence, a sense of outrage at the injustice which still haunts the place. More than anything else, I think, this is a history of place.

Notes

- ¹ Rooke was MHA for Deloraine from 1856-62 and again from 1868-69. He was also a landowner, farmer and brewer. Barbara Bennett and Scott Bennett, *Biographical register of the Tasmanian parliament, 1851-1960*, Canberra: Australian National University Press, 1980, p141
- ² Correspondence concerning district police matters, hospitals and charitable institution 1859-68, POL 665/1, 18 February 1862
- ³ POL 665/1, 18 February 1862
- ⁴ POL 665/1, 18 February 1862
- ⁵ Apart from the three pieces of information derived from POL 665/1, this record of the O'Neill incident is taken from the statement he gave Launceston police superintendent James Forster on 12 February 1860 and printed in two Launceston newspapers under the heading 'Police brutality'. See *Cornwall Chronicle*, 15 February 1860; *Examiner*, 14 February 1860
- ⁶ *Examiner*, 21 February 1860
- ⁷ Census Returns, ST, 1901
- ⁸ Robson, L.L., *A History of Tasmania, Volume II: Colony and State from 1856 to the 1980s*, Melbourne: Oxford University Press, 1991, pp 57-66; W.A. Townsley, 'The Launceston and Western Railway Company', *P&P*, THRA, vol 3/1, March 1954, pp 4-12; Peter Scott, 'The Agricultural Regions of Tasmania: a statistical definition', *Economic Geography*, 33/2, 1957, pp 109-121; Peter Scott, 'Farming type regions in Tasmania', *New Zealand Geography*, 17/2, 1961, pp 155-76
- ⁹ *Mercury*, 6 October 1896
- ¹⁰ *Deloraine Council Minutes*, April 1879, October 1896
- ¹¹ *Deloraine Council Minutes*, March 1885
- ¹² Edward Relph, *Place and Placelessness*, London: Pion, 1976, p3
- ¹³ Relph, *Place and Placelessness*, p3
- ¹⁴ Carolyn Merchant, *Ecological Revolutions: Nature, Gender & Science in New England*, University of North Carolina Press, 1989, pp 19-20
- ¹⁵ *Daily Telegraph*, 21 October 1893. This article, along with 19 others, was written by Daniel Griffen, using the by-line *The Tramp*. Griffen, who was born in the Deloraine district in 1852, set himself the task of writing about the days of the old pioneers. He conducted interviews with and received letters from old residents; these were his main sources. Griffen's letters were collected in the 1980s in K. Bonney (ed), *Early Deloraine: the writings of Louisa Meredith and Daniel Griffen*, Launceston: Regal Press, n.d.
- ¹⁶ Merchant, *Ecological Revolutions*, pp 19-20
- ¹⁷ Ronald M. Berndt & Catherine H. Berndt, *The World of the First Australians*, Canberra: Aboriginal Studies Press, 1992, p 293
- ¹⁸ Nathan, P. and Japanangka, P., *Health Business*, Melbourne: Heinemann, 1983, p72; Aboriginal relations with place are discussed more fully in the Prologue
- ¹⁹ Carolyn Merchant, 'Ecological Revolutions', in Carolyn Merchant (ed), *Major Problems in American Environmental History*, Massachusetts: Heath, 1993, p29; Merchant, *Ecological Revolutions*, pp 21-22
- ²⁰ Simon Ryan, *The Cartographic Eye*, Cambridge: Cambridge University Press, 1996, pp 18, 103-5
- ²¹ Jamie Kirkpatrick, *A Continent Transformed: human impact on the natural vegetation of Australia*, Melbourne: Oxford University Press/Meridian, 1994, pp 20-22, 40-41; Carolyn Merchant, 'Ecological Revolutions', in Merchant, *Major Problems*, pp 24-5
- ²² Donald Worster, 'Ecological History', in Merchant, (ed), *Major Problems*, 1993, p9. discusses the idea of land as an abstraction of nature.
- ²³ A.T. Yarwood & M. J. Knowling, *Race Relations in Australia: A History*, Sydney: Methuen, 1982, pp 10-12; Merchant, 'Ecological Revolutions', in Merchant, *Major Problems*, pp 24-5
- ²⁴ Julia Clark, 'Devils and horses: religious and creative life in Tasmanian Aboriginal society', in Michael Roe (ed), *The Flow of Culture: Tasmanian Studies*, Canberra: Australian Academy of the Humanities, 1987, p55
- ²⁵ See for example R.W. Connell & T.H. Irving, *Class Structure in Australian History*, Melbourne: Longman Cheshire, 1980
- ²⁶ For a discussion of ruling elites see John Higley, 'Elites', in Denis Woodward, Andrew Parkin & John Summers, *Government, Politics and Power in Australia*, 3rd ed. Melbourne: Longman Cheshire, 1985, pp 324-333
- ²⁷ By 1894 the franchise for both Houses had doubled from the 1850s level, meaning two of three adult males could vote in House of Assembly elections and one in three in the Legislative Council elections. This was the first time non-property holders could vote.

See Lloyd Robson, *A Short History of Tasmania*, Melbourne: Oxford University Press, 1985, p55; B.K. de Garis, '1890-1900', in Crowley, *A New History of Australia*, pp 240-41; H.J.W. Stokes, *North-West Tasmania 1858-1910: the establishment of an agricultural community*, Phd Thesis, Canberra: Australian National University, 1969, pp 171, 178, 196-7

²⁸ Henry Reynolds, '“Men of substance and deservedly good repute”: The Tasmanian Gentry 1865-75', in *AJPH*, vol 15/3, December, 1969, pp 68-70

²⁹ David Neal, *The Rule of Law: Law and Power in Early New South Wales*, New York: Cambridge University Press, 1991, pp 116-117, and Alan Atkinson, *Camden: Farm and Village Life in Early New South Wales*, Melbourne: Oxford University Press, 1988, discuss expressions of the English ideology of localism in NSW.

³⁰ James C Scott, *Domination and the Arts of Resistance: hidden transcripts*, New Haven: Yale University Press, 1990, pp 28-36, 66-67. This point is developed below in ch 9, in the section headed 'The Vandemonian spirit'

³¹ Henry Reynolds, *The Island Colony: Tasmanian Society and Politics 1880-90*, MA thesis, Hobart: University of Tasmania, 1968

³² Alex Castles, 'The Vandemonian spirit and the law', *P&P*, *THRA*, vol 38, nos 3 & 4, December 1991, p107

³³ *Daily Telegraph*, 6 October 1891; Magisterial Returns, *ST*, 1891

³⁴ *Examiner*, 1 September 1874; A.P. Davidson, *An Analytical and Comparative History of Master and Servant Legislation in Tasmania*, MLLs thesis, Hobart: University of Tasmania, 1975.

³⁵ Merchant (ed), *Major Problems*, Appendix, px

³⁶ For a recent discussion of this issue, see Bill Thorpe, *Colonial Queensland: perspectives on a frontier society*, Brisbane: University of Queensland Press, 1996 pp 200-01

Prologue

HUNTER-GATHERERS & NATURE

Possession of land delivers social, economic and political power. In Tasmania's Central North, the indigenous landowners operated a hunter-gatherer economy; in conjunction with their spiritual relationship with the land and their social organisation, especially the system of reciprocal exchange, land ownership was the basis for the ability of Aborigines to maintain control of their own destiny. Control of the land enabled them to be empowered as a society, to survive and prosper in their own place, to be vital and co-operative with their neighbours. Dispossession largely destroyed the Aboriginal capacity for self-determination, not only in Tasmania's Central North, but across the island, until an adapted Aboriginal society located on the Bass Strait Islands began to re-organise in the mid-nineteenth century.¹

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Tasmania's Central North consists of an oblong shaped region running from Launceston in the east to beyond Deloraine in the west. (see Map 1) The region consists of gently undulating to relatively flat grassy plains bordered on the south by the Great Western Tiers and on the north by low-lying forested hills. When the British colonists penetrated the region, they found two areas with extensive plains, Norfolk Plains in the east, and Western Marshes, or the Westward, in the west. The Norfolk Plains are part of a drainage basin for mountain ranges to the west, the east and the south east. Formed by river action, Norfolk Plains are alluvial in origin and are bounded by the Lake and South Esk Rivers to the east, the Liffey River to the west, and the Meander (or Western) River to the north. (see Map 7) Except in periods of heavy rainfall, the rivers are characteristically slow and meandering, marked by chains of lagoons and intermittent ponds. Norfolk Plains, described by one colonist as 'beautiful beyond description',² fall within the rain shadow of the Western Tiers, making it one of the driest districts in Tasmania. At the time of the British invasion, the hill and mountain slopes on both sides of the Plains supported and to some extent still support Eucalyptus woodland. The valley floor itself was either sparsely wooded savannah parkland or open grassy plains, maintained by Aboriginal firing. Norfolk Plains falls roughly in the centre of the tribal region identified

by Rhys Jones as belonging to the North Midlands tribe, of which the Panninher was one of three bands. The North Midlands territory ran roughly on a northwest-southeast axis, and was adjacent to the territory belonging to the North tribe, of which the Pallitorre was one of four bands.³

The Westward is at the western end of the Central North, and to the north of the Great Western Tiers. To the west is Toolumbunner. To the north, on the coastal side of the Meander River, are the low-lying slopes the colonists called Whitefoord Hills and 'Pluto's Forest', so named by the land commissioners in recognition of its gloomy appearance and their 'apprehensions of the Natives'.⁴ (see maps 2 & 4) To the east was the heavily forested, undulating country towards Westbury and then Norfolk Plains. Thus, not unlike Norfolk Plains, the Westward was a large body of plains country surrounded by mountains, hills and forest. Much of the vegetation at the Westward was wet sclerophyll forest, an important ecotonal disclimax, ranging from relatively pure *Nothofagus* dominated rainforest to forest consisting of an overstory of *Eucalyptus* trees, especially *Eucalyptus obliqua* and *Eucalyptus regnans*, with an understory of rainforest and shrubs. The Westward, especially the Meander Plain, also contained extensive wet scrub or open *Poa* grasslands. As the Land Commissioner noted, the Westward boasted some 30,000 acres of prime grazing country, and chains of small plains connected the Westward to the coast at Port Sorell. The Meander Plain is a glacial outwash plain, formed by the action of melting ice from glaciers perched on the edge of the Western Tiers above Meander, in all probability spanning a period of 10 million years. The Westward was (and is) dissected by numerous creeks, some of which flow west to the Mersey River, and by the Meander River, which flows north through the Westward, then east to meet the South Esk north of Norfolk Plains. The rainfall at the Westward was considerably higher than at Norfolk Plains, perhaps double closer to the Tiers, and the climate marginally colder.⁵

Until recently, archaeological evidence suggested sporadic Aboriginal occupation of the upper slopes of the Western Tiers occurred at least 10,000 years before the present (BP); Wurragurra cave, at the head of the Mersey River and near the Western end of the region, was sporadically occupied some 10,000 years BP.⁶ More recently, Richard Cosgrove has argued that Parempar Meethaner rockshelter, some 300 metres above sea level in the Forth River Valley and adjacent to Cradle Mountain, shows sporadic occupation from c34,000 BP.⁷ More consistent occupation is apparent at both

sites, however, from about 3,500 years BP, when the search for new hunting grounds in the post-ice age period brought Aboriginal groups onto the lower plains of the Central North. A number of scholars have recently argued that some 3500-4000 years BP Aboriginal society in Tasmania experienced a population increase, a spread of habitation into previously unoccupied parts of the island, significant artistic developments, and a refinement of the tool kit to take greater advantage of land-based mammals such as wallaby and possum.⁸ It seems likely that more permanent occupation of the Central North occurred in the context of this technological, cultural and demographic expansion. A number of caves located on the Western Tiers above Meander were used for the manufacture of tools, but at the time of writing no dating of those materials had been done.⁹ Other caves in the immediate area were very likely used as shelters on regular winter journeys made by the *Lugger-mairrer-ner-pairrer* band of the Big River people to visit their neighbours, the *Pallitorre*, and on return visits by the *Pallitorre*.¹⁰ Colonisation of the Central North was facilitated by Aboriginal fire practices, which became common when the climate cooled and dried some 4,000 years BP, after a warmer post ice-age period 8,000-5,000 years BP characterised by high humidity levels.¹¹

Ethnographic evidence, largely derived from G.A. Robinson's journals, suggests two bands were based in the region, although Jones concedes at least one other band may also have lived there. The *Pallitorre* were based at the Westward, and the *Panninher* at Norfolk Plains. According to Jones, the bulk of the region belonged to the North Midlands tribe, most probably to the *Panninher*, and the tribal boundary ran roughly north-south, just to the east of Quamby Bluff. Each band organised its territory under the care and management of smaller hearth groups, groups of 20 or so people who lived normally as a separate unit but came together into the larger band for special occasions.¹² In *Pallitorre* country at least one group was based near *Toolumbunner* at what the British called Native Hut Corner, a part of the later estate Old Wesley Dale.¹³ As the earlier name suggests, the *Pallitorre* lived in what could be called villages consisting of bark huts. These villages formed a base from which seasonal excursions were made. At least one large hut was built on the top of *Toolumbunner*, near the site of an important ochre mine.¹⁴ If a third band did exist, it seems likely it would have been based in the Westbury district. The colonists found large tracts of open country there,¹⁵ and in the second half of the nineteenth century the district supported a large agricultural population.¹⁶ On the other hand, the largest estate in the district

was named Quamby, as were other natural features. Since the warrior Quamby was leader of the Pallittorre¹⁷ it seems possible these plains were owned and managed by the Pallittorre, or another band not recorded by Robinson. If these plains did belong to the Pallittorre, the boundary between the North and North Midlands tribes, as suggested by Jones, needs to be located further to the east, perhaps as far as the Liffey River, which would form a more likely boundary than the one currently postulated. In any case, there was considerable plains country in the Westbury district, in all probability maintained by an Aboriginal owner.

Conceiving, managing and using nature

In any human society, land management and use is largely shaped by cultural conceptions of nature. Accessible information about pre-invasion Aboriginal conceptions of nature in Tasmania is not extensive. But as Julia Clark notes, many aspects of Aboriginal society and culture were shared across Tasmania and Australia.¹⁸ As in present-day Aboriginal society, continent-wide commonalities in pre-British Aboriginal society were given a local distinct-iveness, although not fundamentally altered, by local conditions, traditions and practices. Australian Aborigines saw nature as an active participant in their daily lives, in both spiritual and economic ways. Apart from its capacity to provide food, the land had fundamental religious associations, manifest in both sacred and non-sacred places, and both safe and dangerous places.¹⁹ G.A. Robinson, for example, was unable to convince a group of Aborigines to explore a cave near the Gog. 'They would proceed about a yard or two and then rush out in greatest terror shouting vociferously and crying out that the devil was coming, that it was the devil's LEEBRUNNER.'²⁰ To a considerable extent Aboriginal people derived their personal and social identities from associations with their land, their local place. Such associations included personal totems, and events marking the creation of the land, now known as the Dreaming. As the late Aboriginal poet Kevin Gilbert has written, the pre-British Aborigine was 'drunk on religion, intoxicated by the metaphysics expressed through the physical features of his land'.²¹

Like many other indigenous peoples, Australian Aborigines understood their physical and social worlds through intuitive rather than rational thought processes. They saw the human and physical worlds and all things within as being connected, or integrated, unlike the European mind

which has a tendency to categorise and separate. Also unlike the British, who brought to these shores an acquisitive, individualistic outlook focused on material possessions, Australian Aborigines shared a non-possessive, collective ethos. Aborigines saw and still see themselves as custodial owners of the land rather than material owners of property. In yet another sense, Aborigines saw and related to their country as a belonging place, in contrast to the European conception of place as property. It is within these religious and custodial conceptions of nature that Aboriginal land management and use was pursued.²²

Critical in any attempt to understand Aboriginal land management and use in the Central North is the population level. It is generally accepted that Aborigines across Australia established homeostatic relationships with their land, that is, they used food resources sustainably.²³ In English terms, this meant that Aborigines under-used the land, a perception which has been historically reinforced by commentators who have sought, perhaps subconsciously, to downplay the severity and extent of Aboriginal deaths in the wake of colonisation. (see Ch1) Various estimates of the Aboriginal population in Tasmania at the beginning of the nineteenth century have been made. One early historian, Henry Melville, suggested that when the British took possession of the island in 1803 'it is estimated that the Aboriginal population amounted in number to nearly twenty thousand'. James Kelly noted during his circumnavigation of the island in 1816 the likely population at the time of British occupation was 7,500. The more recent estimate of 4,000 made by Rhys Jones, based on Robinson's journals, has been generally accepted. It is not coincidental, given the racial hatred which has historically characterised black-white relations in Tasmania, that the lowest estimates have become generally accepted.²⁴

Jones estimates that for the entire North tribe the population was 200-300. This means, if the Pallitorre constituted one quarter of that number, they would have numbered only 50 to 75.²⁵ The record of contact between blacks and whites in the Deloraine district suggests that Jones' estimate is inadequate. (see Ch1) Probably double that number were killed in the district. In June 1827 a stock-keeper near Montana claimed he was surrounded by 200 Aborigines.²⁶ Even allowing for exaggeration by the stock-keeper and conceding that members of the Big River tribe visited Pallitorre land in winter, Jones' estimate seems inadequate. Jones' estimate for the North Midlands tribe is 500, say 150-170 for the Panninher. This gives a total of



Cheshunt and Cumming's Head, by Henry Grant Lloyd. Following the British invasion of Aboriginal land, hunting grounds such as the one in this picture became sheep runs for wealthy colonists.

around 240-250 for the Central North, a figure not taking into account the possibility of another band, or more, based in the Westbury district. The most recent research, undertaken by archaeologist Colin Pardoe, examined in detail 35 anatomical features of Tasmanian Aboriginal skulls. Aboriginal skulls are held in various museums around the world and are the focus of an ongoing campaign²⁷ by the Tasmanian Aboriginal Centre to have all Aboriginal human remains returned to Tasmania for proper burial. Pardoe's conclusions radically challenge Jones' findings. Pardoe found that despite being isolated for 10,000 years, Tasmanian Aborigines retained a high degree of physical similarity to southern mainland Aborigines. Pardoe also found that the anatomical diversity of the skulls was greater than would be expected in an isolated population. He concluded that the Tasmanian Aboriginal population, at any given time in the past, must have been much higher than previously estimated. Pardoe estimates a population, at any given time prior to contact with Europeans, at ten times previously accepted estimates. This means a figure of 30-50,000 is a realistic estimate. Even if Pardoe's findings are unrealistic, it seems likely numbers were higher in the Central North than Jones allows, perhaps double his estimate of 250.²⁸

Like Aborigines across the continent, Aborigines in Tasmania used fire in order to create and maintain hunting grounds. Both the Pallitorre and the Panninher took great pains over the care and management of their country.

In the mid-late 1820s British colonists remarked on the fertility and beauty of the Pallitorre landscape, especially the 'extensive plains' which were often covered with 'luxuriant pastures'.²⁹ Colonists were also attracted by the quality of Norfolk Plains. Captain Nairn of the Duke of Cornwall's Light Infantry, detailed to Van Diemen's Land between 1814-18, thought the place was ideal for his retirement. He made a claim for '6,000 acres of the richest soil, well watered by the two rivers'.³⁰ The Pallitorre also burned the floor of light forest to promote pasture growth and facilitate movement through the forests. This method of land management was designed to minimise bushfire and facilitate hunting and gathering, the material basis of the Aboriginal economy. The tool kit was uncomplicated, highly efficient and closely adapted to the available food supplies. The kit consisted of spears, waddies, digging sticks, rope made from grass, and cutting and scraping tools made from stone. Hunting practices were also efficient. On Pumicestone Plain, at the Westward, the Pallitorre made wallaby traps using tussocks of grass, thus enabling easier capture.³¹

Seasonal journeys to harvest food were made on a network of pathways. These pathways, which were kept clear by firing, facilitated journeys for trading, ceremonial and hunting purposes. One major pathway, referred to by Jones as the Norfolk Plains road, ran east-west along the face of the Western Tiers. So major was this pathway that it went all the way from Norfolk Plains to the west coast. A number of other major pathways left the Norfolk Plains road at strategic points. The east-west pathway passed close by Toolumbunner, near Chudleigh, where the island's most 'celebrated mine of ochre'³² was located. Archaeological evidence suggests the mine was used regularly for 500 years prior to the British invasion. Ochre was used for ritual, ceremonial, artistic, and other more practical uses, such as body protection in cold weather. Given its significance and usefulness, ochre was a unifying cultural force in Aboriginal Tasmania. The Pallitorre were the guardians of the rich ochre deposits at Toolumbunner. In accordance with the system of reciprocal exchange,³³ they traded ochre with other bands in return for hunting and other rights on land held by other bands, thereby giving them greater access to a wider range of food sources.³⁴

Both the Pallitorre and the Panninher made seasonal journeys within and outside their respective territories, making extensive use of these pathways. Norfolk Plains, the biggest hunting grounds on the island, provided the Panninher with bountiful game, especially the forester kangaroo.

Numerous archaeological sites on the shorelines of rivers and lagoons suggest they were used as living bases. Well marked roads and routes of travel suggest considerable mobility from plain to wooded hills both to the east and west.³⁵ The Panninher spent winters on the western shores of the Tamar River, outside their territory, gathering shellfish and swan eggs.³⁶ They had summer foraging rights in the country of the Lugger-mairrer-ner-pairrer people country around the Great Lake, moving to the highlands through the Quamby Bluff pass in Pallitorre country. The Panninher also travelled along the Norfolk Plains road to the ochre mines at Toolumbunner.³⁷

In winter the fertile Westward plains were transformed into large, shallow inland lakes. The 'low country' between Chudleigh and Westbury was 'inundated to the depth of several feet' after three days of 'incessant' rain in 1834.³⁸ Louisa Meredith thought the Avenue Plain, north west of Deloraine and which Daniel Griffen noted had long been a favourite Aboriginal hunting ground,³⁹

in summer must be a beautiful spot, but was then covered with water, from a few inches to a foot or more deep,...a wide, long, open space, intervening between the belt of fine verdant lightwoods, and other trees skirting the River 'Rubicon' and the great forest; so that it is a grassy flat, surrounded by high wood, and in summer a valuable grazing ground.⁴⁰

Plains such as the Avenue reaped rich harvests of wallaby, wombat, possum, vegetables, eggs, crane, native hen, wild ducks and freshwater shellfish.⁴¹ In the vicinity of Toolumbunner, Aborigines had access to a range of edible plants. Native cherry, native lily, and several species of small shrubs yield small fleshy fruits. Bracken rhizomes pounded and baked is a source of starch. Native honey-suckle is one of several plants containing a sugary nectar, and the green seeds and pods of wattle trees are relatively large and rich in proteins and carbohydrates.⁴² The Pallitorre also had seasonal hunting arrangements, based on the exchange of ochre, with the Punnilerpanner people on the coast at Port Sorell and with the Lugger people at the Great Lake. At Port Sorell in the winter they gathered swan eggs, ducks and other water birds. In summer they visited the highlands to hunt kangaroo and indulge in the intoxicating resin of the cider-gum tree.⁴³ In a number of respects then, the broad patterns of Pallitorre and Panninher economy were similar, similar enough to justify the assertion they inhabited a discrete economic region. Both were inland groups controlling large hunting grounds which yielded abundant food. Both travelled north in the winter to forage at

water's edge, and both visited the highlands in summer, where they each had amicable relations with their mutual neighbours, the Lugger band of the Big River tribe.

Land and empowerment

Aboriginal notions of territoriality delivered to each group power over and access to resources in their country. The territorial and trading arrangements made by the various groups in and around the Central North suggests a relatively harmonious and non-exploitative distribution of territorial power. This is evident in the seasonal arrangements made between bands and the ability of the Pallitorre, Panninher and Lugger peoples to forge mutually beneficial reciprocation. There is some suggestion this might not always have been the case. Jones thinks the Pallitorre did not often use the Norfolk Plains pathway, and that relations between the Pallitorre and the Panninher were cool and sometimes hostile.⁴⁴ This coolness was meant to derive from illegal hunting by the Pallitorre at Norfolk Plains kangaroo grounds. But the name Quamby Plains suggests the Pallitorre did make use of the Norfolk Plains road. Ryan, on the other hand, suggests that the Norfolk Plains people had extensive relations with both the North and the Big River people, the North people 'often visiting the Norfolk Plains area to hunt and catch birds in the marsh area of the Great Western Lagoon' on the upper reaches of the Plains.⁴⁵ It may be this arrangement repaid Panninher access to ochre, an arrangement which, given the importance attached to ochre, could have survived cool relations between the two bands.

Long after most Aborigines who survived the Black War had been rounded up and exiled to the Bass Strait islands, a number of Pallitorre and Lugger people, who had joined together to resist the invader, were still living in Pallitorre country. A short time before Robinson's second visit to the district, in July 1834, they took a large quantity of flour from Vaughan's estate at Chudleigh. As far as the Pallitorre were concerned, the reciprocal exchange system was still in operation. Although in the district for several days, Robinson failed to find these people, apart, apparently, from one woman. This woman had been with the blacks when they took the flour from Vaughan's. She acted as a guide to Robinson during this visit. The record of his visit throws further light on the ways in which the Pallitorre used and managed their land and its resources.

The woman took Robinson to a long-used Aboriginal camp near the ochre deposits. Here Robinson set up camp. She told Robinson the camp had been 'a favourite resort and place of rendezvous' for the Pallitorre and other Aboriginal people, especially members of the Big River tribe. At the camp, pieces of bark had been removed from several trees and used as a base on which to knead flour into damper. The woman told Robinson she had helped remove the bark. The flour used was that formerly belonging to Vaughan. The woman told Robinson there were 'plenty of blackfellows' and that the Big River tribe were with them. Opposite the camp was a steep wall of limestone rocks. With others, the woman often hunted about the cliffs for possum. The possum built nests in rock crevices; in order to catch them, the women made a fire and smoked them out.

On 16 July 1834, the woman took Robinson and a group of Aboriginal women, who were travelling with Robinson,⁴⁶ to the site of the ochre deposits. This required a walk of some distance through a forest. The walk was easy because 'the whole of this country had been well burnt' by the blacks. Despite the British invasion, the Pallitorre were determined to maintain their hold over their country and to pursue their traditional management of it. When they reached the ochre deposits, the Aboriginal women, whose traditional job it was to dig the ochre, were overjoyed at finding a digging. The hole they found was two yards deep and large enough to admit one person. A short stick, some twelve to eighteen inches in length, and sharpened at the digging end like a chisel, was used to remove the ochre. A small stone was used as a mallet. An old hut stood near the digging. According to Robinson, when in earlier times the women dug the ochre, the men either hunted or raided the settlers' huts for flour.

Having dug some ochre, which was packed into kangaroo skins for carrying, the woman took Robinson and the others to the top of Toolumbunner to look for the smoke of any Pallitorre fires. The day was fine and Robinson felt 'well recompensed for our trouble'. From the top of the the party could see to the north coast, west to the Forth River, and east beyond the Tamar. The woman also showed Robinson the course of the blacks' pathway 'which was visible from the patches of burnt ground'. No smoke was seen. The party saw a tree which was 'broke by them for the purpose of getting waddies' and a large native hut of bark which contained some threads of blankets and some cartridges. No doubt from this vantage point the Pallitorre and their colleagues from the Big River country could observe the

movements of the invaders and when necessary disappear into the surrounding forest. Robinson was convinced the local Aborigines had left the area and gone westward to the Surrey Hills. Perhaps they sought refuge in the forests there. Their eventual fate, whatever it was, has not been recorded.⁴⁷

In many ways the experience of this unnamed woman represents that of her people. Before the British invasion, she knew that certain things would be as they always had been. Every year visitors would come to the Gog, to the long-used campsite, dig for ochre, exchange stories, renew friendships. As a woman, she had the power and responsibility to dig ochre, this substance highly valued for ceremonial and decorative purposes, and hence a commodity of great value to her people in trade with other Aboriginal groups. Each year the woman knew that she would journey north to the coastline in the winter, and in the summer up the face of the escarpment to the country of the Big River people. Regularity, security, a sense of belonging to both people and land, status within clearly defined roles and responsibilities – in the wider scheme of things, a sense of empowerment based on territorial integrity.

Notes

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- ² Oxley, *Historical Records of Australia*, III, I, pp 760-62, in Robson, *History of Tasmania*, vol 1, p71
- ³ Rhys Jones, 'Tasmanian Tribes' in Norman B Tindale, *Aboriginal Tribes of Australia*, Canberra: ANU Press, 1974, pp 343-50; J.L. Davies (ed), *Atlas of Tasmania*, Hobart: Mercury Press, 1965, pp 30-35; Ryan, *Aboriginal Tasmanians*, 1981, pp 21-4, 29-32; David Hannan, Dept of Physical Sciences, University of Tasmania, Launceston. A geologist, Hannan is conducting field work in the region. Pers. comm., 23 October 1996
- ⁴ McKay, Anne (ed), *Journals of the Land Commissioners for Van Diemen's Land 1826-28*, Hobart: THRA & University of Tasmania, 1962, p79
- ⁵ Jones, 'Tasmanian tribes', pp 344-45; David Hannan, pers. comm., 23 October 1996
- ⁶ Harry Lourandos, '10,000 years in the Tasmanian Highlands', *Australian Archaeology*, Vol 16, 1983, p39
- ⁷ Richard Cosgrove, 'Late Pleistocene behavioural variation and time trends: the case from Tasmania', *Archaeology in Oceania*, vol 30/3, October 1995, pp 83, 87, 90
- ⁸ See D.R.Horton, 'Tasmanian Adaptation', *Mankind*, 12, 1979, pp 28-34; S.Brown, 'Art and Tasmanian pre-history: evidence for changing cultural traditions in a changing environment', in P.Bahn & A.Rosenfeld (eds), *Rock Art and Prehistory: Papers presented to Symposium G of the AURA Congress, Darwin, 1988*, Indiana: David Brown, 1991, pp 96-108; R.L.Vanderwal, 'Pre-history and the archaeology of Louisa Bay', in Helen Gee & J. Fenton (eds) *The South West book: A Tasmanian Wilderness*, Melbourne: Australian Conservation Foundation, 1979, pp 17-21
- ⁹ Sean Cadman, pers comm, 21 January 1994
- ¹⁰ Jones, 'Tasmanian Tribes', p345
- ¹¹ Lourandos, '10,000 years in the Tasmanian Highlands', p43; Antonio Sagona (ed), *Bruising the Red Earth: ochre mining and ritual in Aboriginal Tasmania*, Melbourne: Melbourne University Press, 1994, p45
- ¹² Jones, 'Tasmanian tribes', p344
- ¹³ *Daily Telegraph*, 25 November 1893.
- ¹⁴ N.J.B. Plomley, *Friendly Mission*, Hobart: THRA, 1966, p905
- ¹⁵ McKay, *Land Commissioners' Journals*, p77
- ¹⁶ Census Returns, ST, 1901
- ¹⁷ Ryan, *Aboriginal Tasmanians*, 2nd ed, 1996, p141
- ¹⁸ Clark, 'Devils and horses...', p51
- ¹⁹ Kenneth Maddock, *The Australian Aborigines: a portrait of their society*, Middlesex: Penguin, 1974, pp 42, 67, 170; Plomley, *Friendly Mission*, p908
- ²⁰ Plomley, *Friendly Mission*, p908
- ²¹ Kevin Gilbert, *Living Black*, Melbourne: Penguin, 1977, p2
- ²² Maddock, *The Australian Aborigines*, pp 26-9
- ²³ See Vanderwal, 'Louisa Bay', pp 17-21
- ²⁴ Henry Melville, *Australia: Its present state...*, London, 1851, p345; Boat expeditions round Tasmania, 1815-16 & 1824, LCJ no 75 1881; Rhys Jones, 'The Tasmanian paradox', in R.V.S.Wright (ed), *Stone Tools as Cultural Markers*, Canberra: Australian Institute of Aboriginal Studies, 1977, p203
- ²⁵ Jones, 'Tasmanian Tribes', p344
- ²⁶ CSO 1/316, AOT, Hobart
- ²⁷ Lyndall Ryan, The Survivors, *Island Magazine*, no32, Spring 1987, pp 53-4
- ²⁸ Colin Pardoe, 'Isolation and evolution in Tasmania', *Current Anthropology*, Vol 32/1, 1991, pp 1-21
- ²⁹ J.R.Skemp, *A History of the Municipality of Deloraine*, n.p., 1964, p8; Plomley, *Friendly Mission*, p218; S.Cubit, 'Squatters and opportunists: occupation of lands to the westward to 1830', *P&P*, THRA, 34/1, March 1987, p10
- ³⁰ Isabella Mead, 'Woolmers, Tasmania', in Australia's National Trusts (numerous authors), *Historical Homesteads of Australia*, Canberra: Australian Council of National Trusts, 1976, p17
- ³¹ Horton, 'Tasmanian Adaptation', p31-2; Plomley, *Friendly Mission*, p218
- ³² Plomley, *Friendly Mission*, p904
- ³³ see Tony Dingle, *Aboriginal Economy*, Middlesex: Penguin, 1988, pp 17-21, 31-32, for a discussion of reciprocal exchange.
- ³⁴ Jones, 'Tasmanian tribes', p344; Sagona, *Bruising the Red Earth*, pp 19, 24, 37; Ryan, *Aboriginal Tasmanians*, 1981, p20

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- ³⁵ Jones, 'Tasmanian Tribes' p348
³⁶ Ryan, *Aboriginal Tasmanians*, 1981, p32
³⁷ Jones, 'Tasmanian Tribes', p349
³⁸ CSO 1/316
³⁹ *Daily Telegraph*, 21 October 1893
⁴⁰ Louisa Meredith, *My Home in Tasmania*, London: John Murray, 1852, fascimile edition, Adelaide: Sullivan's Cove, 1979, p161
⁴¹ Ryan, *Aboriginal Tasmanians*, 1981, pp 21-4
⁴² Sagona, *Bruising the Red Earth*, pp 48-50
⁴³ Ryan, *Aboriginal Tasmanians*, 1981, pp 21-4
⁴⁴ Jones, 'Tasmanian Tribes', p345, 349; see also Plomley, *Friendly Mission*, pp 398, 554
⁴⁵ Ryan, *Aboriginal Tasmanians*, 1981, p32
⁴⁶ Cassandra Pybus, 'Not a nation but a community of thieves', *Island Magazine*, 34/35, 1988, p 108
⁴⁷ Plomley, *Friendly Mission*, pp 903-5

Chapter 1

FIGHT FOR THE LAND

*threats, massacres & historical
inevitability*

Whatever may be the evils of society in a state of civilization they are assuredly less in character and degree than those of savage life; and I can never regret that the fair and beautiful country of Tasmania has been entirely reclaimed from the dominion of the debased and treacherous Aborigines; though I cannot but comment that it has been done in part in sad violation of those laws established by Him who hath made of one blood all men to dwell upon the face of the earth.¹

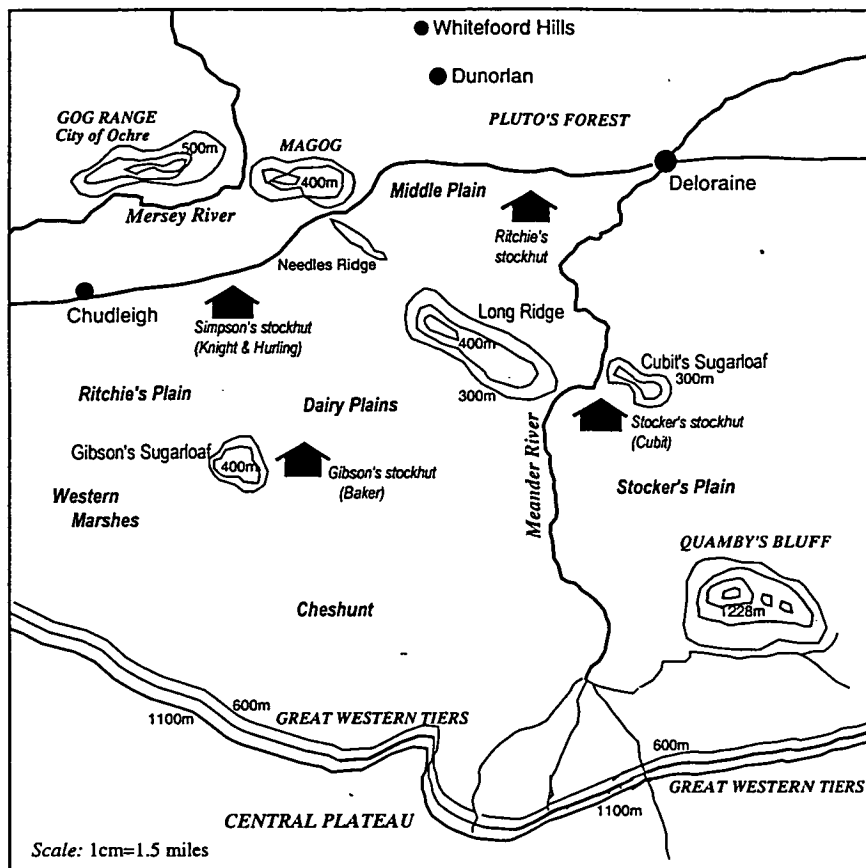
In 1803 the Aboriginal land known to the European world as Van Diemen's Land was invaded by Britain. Following a decade of living in survival mode in both the north and the south of the island, the colonisers gradually occupied the Aboriginal hunting grounds between Launceston and Hobart, as well as on the east coast of the island. Through the 1820s, colonisation intensified into river valleys adjacent to the central corridor between Launceston and Hobart, and into a series of Aboriginal hunting grounds stretching westward some thirty miles from Launceston. At the end of this northern corridor was Pallitorre country.² The extent of cleared land in Pallitorre country suitable for grazing, some 31,000 acres,³ ensured it was a target for the invaders. From about 1823 onwards, British squatters began moving cattle and stock-keepers onto Pallitorre land. Hostility was sporadic in the early years of the 1820s but intensified in both Panninher and Pallitorre country in the second half of the decade. Indigenous dispossession in the Central North thus occurred primarily in the second half of the 1820s, during the second phase of pastoral expansion in Van Diemen's Land.⁴

Relations between Aborigines and British colonisers in Pallitorre country have been remembered and dis-remembered by writers, as well as being subject to analyses strongly shaped by particular writers' backgrounds, temperaments and interests. In the 1890s Daniel Griffen, the journalist son of an Irish immigrant, recorded in passing the dispossession and what he saw as the sad fate of the Pallitorre. In 1964, J. R. Skemp recognised the reality of dispossession and gave it a place in his short history of the district. More recently, Simon Cubit, a leading advocate of the claims of cattle owners and horse riders wishing to practise their 'traditional' pursuits on the plateau which overlooks the Deloraine district, described the process of early British occupation of the Meander district

without acknowledging either the prior occupation by the Pallitorre or their resistance to the British invasion. Cubit portrays the stock-keepers and their masters as 'bold' and 'ambitious', as heroic pioneers involved in occupying and transforming the wilderness into productive grazing land. Cubit's approach, which typifies the historiography of racial contact in Australia from the 1880s until the early 1970s, amounts to a denial of the existence of the Pallitorre, and hence a distortion of historical truth. This kind of selective amnesia needs to be challenged by a more rigorous analysis of the process of colonisation.⁵

My intention here is not to re-visit the now well-told story of the Aboriginal dispossession of Tasmania,⁶ but to focus on aspects of that story which have received insufficient attention in the past. Chief among these are Aboriginal attitudes to the use of force, and the ways in which the British invasion of Aboriginal land in Tasmania has been justified. The chapter argues that Aborigines, using the threat of force as a major weapon, sought to resolve disputes in accordance with their law and in ways in which violent contact was limited. In contrast, the British ignored the rule of their own law in preference for promiscuous massacre, a practice fuelled by the belief that in relations with Aborigines force was necessary. These arguments involve not only the question of how Aborigines died but also the thinking, both black and white, which informed the various uses of force. The early part of the chapter focuses on Pallitorre country, enabling the assertion of the value of a local approach to historical study. Later in the chapter, where the focus widens out from the local place, I argue that notions of the British invasion and subsequent Aboriginal deaths as inevitable outcomes of broad historical forces are little more than figments of conservative historical imaginations. More to the point, such arguments are contrived, perhaps subconsciously, to deny the proposition that historical actors choose and execute courses of action for which they must bear responsibility. These issues are important historical issues, but in the context of wider public debate about Native Title, they assume an irresistible political and moral dimension. Historical writing about Aboriginal dispossession cannot ignore and must defer to this underlying reality. In the circumstances, the basics of historical scholarship must be rigorously observed if the discipline is to retain its relevance and integrity.

In the following analysis of Pallitorre relations with the British colonists I have used Rhys Isaacs' ethnographic approach of discerning historical actors' intentions and motivations from their reported actions. Ethnographic analysis



Map 2: The Westward's Killing Fields: Pallitorre country and the scene of William Knight's death. Based on the Land Commissioners' maps, 1826-28.

into the hut and took possession of it'. Armed with hatchets and protecting their heads with their arms, Knight and Hurling moved towards the hut but were met by a hail of spears. One of the spears, thrown by a tall black man, struck Knight in the left shoulder. Knight pulled the spear from his shoulder and as he did so waved his hands to Hurling. Hurling, supposing that Knight meant him to run from the attackers, ran onto the adjacent plain, which was ankle deep in water, and towards Gibson's hut, some three miles to the south-east, in search of help. Knight slowly followed Hurling, but about 200 yards from the hut, two or three blacks knocked Knight down. In line with the practice followed by other Tasmanian Aborigines, the Pallitorre killed Knight by beating him around the head with waddies. They also used a garden hoe.

The blacks then returned Knight's body to within fifteen yards of his hut. A rope made of native grasses was used to drag the body, which had a black mark around its neck, from the plain to the hut. The rope was later found by whites at the blacks' camp. When Knight's body was found by Hurling and some others, it was on its back, the legs were crossed, one arm was under the head and the other under a side, and a dark coloured cotton handkerchief covered the face.

allows the historian to imaginatively enter into the circumstances and perhaps mentality of historical actors who have left no written records. The method requires that reported behaviours, which are regarded as action-statements, be understood in the context of the cultural assumptions and values the historical actors in question were likely to have applied in the reported situation. Further, situations or incidents understood in this way should be recurrent incidents which can be seen as typical or even symbolic of relations between competing cultural groups, in this case indigenous people in Tasmania and their British colonisers.⁷ A violent conflict involving the Pallitorre, William Knight and John Hurling was one such incident.

Resisting the invader

William Knight and John Hurling lived and worked as stock-keepers on the land occupied by Thomas Cookson Simpson.⁸ (see Map 2) John Hurling was an assigned convict and Knight was his overseer. Abandoned in this place by their master, theirs was a lonely and sometimes fearful existence. Roads and hence communications were poor, and housing very basic, little more than mud huts with bark rooves. In the mid-1820s only a small number of British men lived in the district: three free colonists, all of whom were working as overseers for absentee cattle graziers; a few assigned convicts; and a small number of soldiers and police whose job it was to help protect the colonists and their cattle and sheep from bushrangers and Aborigines. No white women lived in this colonial outpost.

On the night of 22 June 1827, Knight and Hurling were sitting in their stock-hut. The hut's fireplace smoked a great deal that night, a fact which irritated Knight. Denied the small comfort of a blazing fire on a cold winter's night, Knight remarked to Hurling, perhaps sarcastically, that he wished 'the natives would come and burn down the bloody hut tomorrow morning'. About noon the following day, Saturday 23 June 1827, Knight and Hurling were working some thirty yards from their hut. They had felled a tree for firewood and were engaged in lopping its branches. Despite being only thirty yards from their hut, Knight and Hurling had taken their muskets with them, although when rain began to fall they returned the muskets to the hut. Disregarding the rain, the two men returned to their work. A creek, its banks protected by a cluster of tea tree brush, flowed past the front of their hut. Unknown to them, a group of Pallitorre were hiding in the brush. Suddenly, according to Hurling, 'a number of black native people rushed

Knight usually kept this handkerchief in his kangaroo skin cap, which was lying on the ground near his head with some blood in it.

While Knight was meeting his fate, about twenty blacks pursued Hurling across the plain to the edge of the forest. Just prior to entering the forest, Hurling turned and faced a black, who was armed with a spear in each hand, standing some ten to fifteen yards away. Hurling threw his hatchet through the air. The weapon hit its mark, knocking the black to the ground. Intent on fleeing his attackers, Hurling decided his chances were better without his boots, which were too big for his feet. He unlaced them and threw them off, recalling later he felt he could no longer run with them on. Ankle deep water would not have helped. By now there were about twenty blacks within thirty yards of Hurling, all armed with spears. As he ran, several spears were thrown at him, although none hit. Some three or four hundred yards into the forest, Hurling became tired and was unable to run any further. He noticed among some tall grass a huge fallen tree with a large limb coming off its side. He clambered under the tree, which was hollow, and laid down with his face to the ground and his hands under his body.

The Pallittorre surrounded the tree where Hurling was 'hiding'. They passed backwards and forwards at both ends of the tree, as they did calling 'Rugga, Rugga', possibly a word for 'go away'.⁹ They kept this up for a short time. Some thirty minutes later, Hurling's dog came to him. Assuming that the blacks were unable to find him and fearing they may have followed his dog, Hurling immediately abandoned his hiding place. So that he might run more freely, he pulled off his trousers, which were sodden, and proceeded to run along a very rough forest road towards Gibson's hut. Hurling's account of the Pallittorres' pursuit gives the impression they were incapable of finding him and were therefore somehow incompetent. Such a view is understandable, given the prejudiced attitudes held by many colonists about Tasmanian Aborigines.¹⁰ Clearly they could have killed Hurling had they so chosen — they eliminated Knight with ease, and they had ample opportunity to kill Hurling on several occasions — but it is far more likely the Pallittorre were primarily concerned with killing Knight and were concerned only to scare Hurling away, a dual task achieved with great efficiency.

At some stage either during or after the killing of Knight and the pursuit of Hurling, the Pallittorre 'plundered' Simpson's stock-hut. They took with them four whips, a straw hat, a handkerchief, two forks, four spoons, one wooden bucket, a frying pan, five shirts, two pairs of trousers, a pair of boots, a waistcoat and a blue jacket; they also took a quantity of flour, thirty pounds of sugar, twelve

pounds of tea and three pounds of soap. They left a bucket, a frying pan, two iron pots, a grubbing hoe and a mortising tool. Outside the hut they left forty pounds of salt. They burst open several bags containing eighteen bushels of wheat, scattering the wheat about the hut and outside the door. These actions by the Pallitorre severely disrupted Hurling's capacity to remain at the hut and perform the colonising tasks his master had assigned to him.

Hurling arrived at Gibson's stock-hut about 3 o'clock. Waiting there to greet this unexpected visitor were Henry Smith, William White, Thomas Baker, field police constable Thomas Williams and two soldiers, corporal James Lingan and corporal John Shiners. Smith and White were both convicts, assigned to David Gibson, their absentee employer, himself a former convict. Baker was their overseer. Hurling, wearing only a shirt and with his trousers in one hand, ran straight into the hut and sat down on a stool. He was out of breath, on the point of exhaustion, and, according to the occupants of Gibson's hut, pale and frightened. It was some time before he could speak. When he could, Hurling told Smith 'Oh! My mate is killed, the natives have been and killed my mate along side of me.' Almost immediately a party comprising police constable Williams, corporal Shiners, Baker, Hurling and Smith left for Simpson's hut. They found Knight's body where the Pallitorre had left it, some fifteen yards from his hut. The Pallitorre were nowhere to be seen. Williams observed both large and small barefoot foot prints, indicating both adults and children were in the Pallitorre party. Smith estimated 30 people; their footmarks 'were all over the Garden like the footmarks of so many Cattle'. The whites returned to Gibson's hut. The following day, Sunday 24 June, Shiners, Williams and Lingan, accompanied by Baker and White, set off in pursuit of the Pallitorre. About two in the afternoon Shiners noticed the smoke of a fire which he judged to be near Laycock's Falls, some five miles west of Gibson's hut. Arriving at the falls about an hour before sundown, the pursuers hid in a hollow tree some 400 yards from the blacks' camp. Two blacks, armed with spears, stood guard, suggesting an expectation of revenge.

The British response to Knight's death suggests they adapted their military practice to a form of guerilla warfare. Between seven and eight o'clock the whites crept to within 40 yards of the blacks' camp. Six fires were burning. Three were close together, and the other three 14 to 15 yards away. About 30 blacks and a number of dogs were at the first clustering of three fires. Without calling out and under the cover of darkness, the whites, with pistols blazing, rushed the Pallitorre camp. A 'great number of black native people' ran from

11
Then, I hid down and might followed
me slowly about a hundred yards,
where I saw two or three natives
Kiw-e-Ki-bian down in the plain,
about twenty of the Black Native
people gathered across the
plain to the forest, just before
I had entered the forest, and the
natives were within ten or
fifteen yards of me, and had a
spear in each hand. I then my
eye at him and knocked him
down, I do not know how much
part of the body is dead. I hit
him, I then entered my foot and
threw him off, I could not run
with them as fast as I was, for
there were then twenty of the
natives within thirty yards of
me all armed with spears, several
spears were thrown at me as I
ran, after I had run three or four
hundred yards in the forest, I
was tired and not able to run
any

Extract from depositions concerning the death of William Knight,
killed by the Pallitorre in June 1827

their camp and 'immediately disappeared amongst some scrub and ferns'. No blacks cried out. Like other Tasmanian Aborigines, the Pallittorre were quick to incorporate British hunting dogs into their hunting practices. As the Pallittorre fled in to the night at Laycock's Falls, their dogs attacked their assailants. Throughout the course of the night the whites shot upwards of 25 of these dogs. The evidence makes no mention of any intention to take prisoners. Williams, Shiners and their accomplices were intent on reprisal, not on implementing the rule of law.¹¹ Both Williams and Shiners were at pains to point out they had not called out prior to their attack. This was significant because in British military tradition, surprise ambushes were considered to be dishonourable. This, however, was a silent war, unannounced in the immediacy of its execution, requiring great patience and cunning in the quest for advantage.

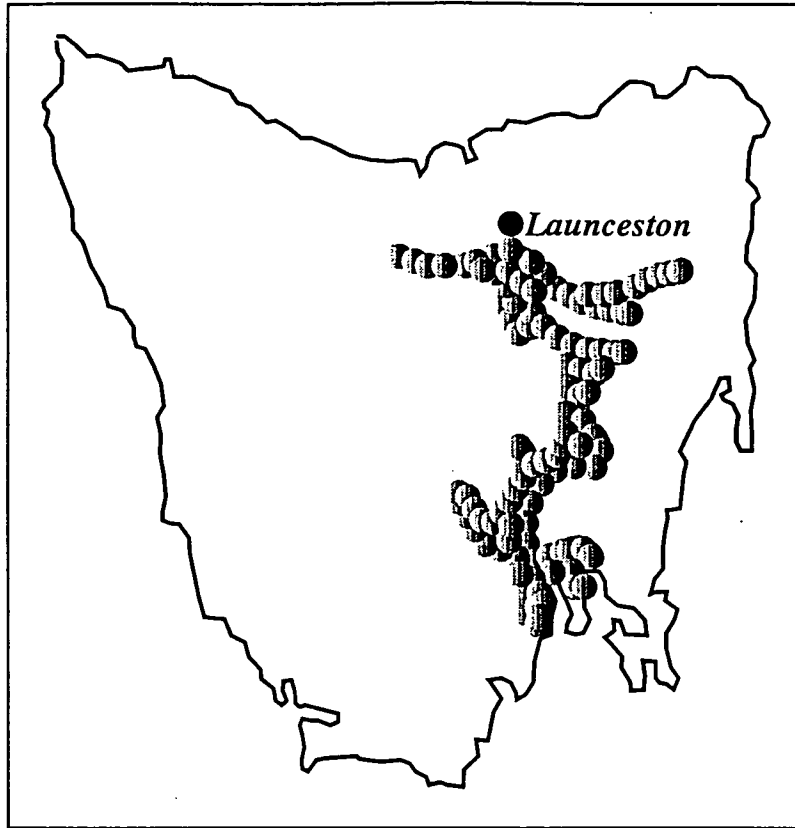
Some discrepancy exists between the evidence given by the white participants in this incident. Williams stated that Shiners, Lingan and White all fired amongst the blacks. 'Baker attempted to fire, but his pistol flashed in the pan.' Williams did not record whether or not he fired. According to Shiners he himself fired at one of the dogs. White, Lingan and Williams also fired. He did not know if the others fired at the blacks. These discrepancies, and the obvious attempts by both Shiners, the soldier, and Williams, the police constable, to avoid incriminating themselves can be explained by a government proclamation in force at the time which decreed that the blacks be protected and that transgressors would be punished.¹² Neither Shiners nor Williams had genuine cause for concern — no white man was ever prosecuted for any offence against a black in Van Diemen's Land.¹³

Next morning, no black bodies could be found, although Williams saw tracks of blood near the fires. He was quite sure at least one black had been shot. He traced the track of blood over two logs; between the logs he saw 'the prints of naked human feet, close to the track of blood'. In contrast, Shiners did 'not think that any of them had been wounded' or killed. Not surprisingly, the blacks did not return to their camp. The whites remained at the camp until about ten o'clock the following morning, but to no avail. They returned to Gibson's hut; soon after, they set out for Launceston to tell their stories to the police magistrate. Knight's death prompted a horrible revenge. Some two weeks after the Knight killing, the Hobart *Colonial Times* reported that

The people over the second Western Tier have killed an immense quantity of the blacks this last week, in consequence of their having murdered Mr Simpson's stock-keeper. They were surrounded whilst sitting round their

fires, when the soldiers and others fired at them when about thirty yards distant. They report that there must be about sixty of them killed and wounded.¹⁴

Why was William Knight killed? There is one very specific reason for the killing. An informant called Punch told Robinson that Knight deserved to be killed because he 'used to kill the natives for sport'.¹⁵ Using the depositions taken by Mulgrave, we can discern at least two other specific reasons for the Pallitorre attack on Knight's hut: to 'plunder' the hut, taking some of the contents and destroying others; and to scare Hurling away. So the Pallitorre had very specific reasons for a retribution killing of Knight. But the location of Knight's death in appropriate wider contexts allows a deeper understanding of the Pallitorre motivation for killing him. In particular, the broader context of the Black War in Van Diemen's Land, and prior relations with Europeans living in Pallitorre country are appropriate contexts; and Knight's killing also needs to be understood within the contexts of Aboriginal expectations concerning reciprocal exchange and conflict resolution. Knight's killing had specific motivations, but it was also one incident, perhaps an instigating incident, in a broader Aboriginal resistance to the invasion of their lands. A concerted resistance occurred across the Central North during late Spring 1827 and early Summer 1828. At least 19 separate incidents occurred in this period, including nine incidents between 10-24 November. At least eight whites were killed, in addition to spearings, other woundings and general harraasments. Huts were plundered and burnt, and at least 100 sheep were killed at the Lake River.¹⁶ Between 2-7 December, several travellers were harrassed on the Launceston to Hobart Road. But when we examine relations between the Pallitorre and the stock-keepers living in their country prior to Knight's death, we can see a thickening plot; we can begin to acquire also a more substantial insight into the nature of the aggression and violence which characterised the conflict. A series of incidents, involving Pallitorre attempts at negotiation, raids on stock-huts, the theft of women and children, and killings of blacks preceded Knight's death. About six months prior to the attack, in the previous summer, 'about twenty of the native people came to the hut and remained in the neighbourhood of the hut the whole of the day'. Almost certainly the Pallitorre on this occasion sought to induce Knight to fulfil his reciprocal obligation to them.¹⁷ Knight, who had been an 'associate' of the blacks in Sydney, spoke to them in their own language and they went away. No spears were thrown, no shots were fired. Relative harmony prevailed, although the appearance of harmony probably masked developing tensions. About three months prior to



*Map 3: Occupation of Aboriginal Land to the late 1820s,
Van Diemen's Land.*

his death Knight told Hurling that he had 'fallen in with some natives and fired at them, and that three spears which he had brought home with him, had been thrown at him'. Hurling's account of the information related to him by Knight suggests that Knight was the aggressor in this incident. No other information concerning this incident is available. It is very likely Knight's death was related to these earlier incidents. More generally, the theft of women and children may have persuaded the Pallitorre to take revenge on Knight. Punch told Robinson that he asked a black who could speak English why they killed Europeans. He was told 'if black man came and took away his lubras and killed his piccaninnies, would he not kill black man for it?'

The Pallitorre punishment of William Knight was also almost certainly in response to an incident just eleven days prior to their attack on Simpson's hut. On 12 June, some two hundred blacks surrounded Gibson's hut. They isolated Thomas⁹ Baker from the hut, hence he was unable to get his gun. One of the blacks threw a spear at him, which missed. The black then approached Baker. According to Punch, Baker produced 'a long knife he had in a case by his side and ripped up his [the black's] belly and ran away'. The black died from this wound. Despite this incident, the Pallitorre remained in the district overnight, a

decision, as events transpired, which proved fatal. Baker's next move was both swift and brutal. He went immediately to Stocker's stock-hut, where James Cubit and his 'half-caste' Aboriginal mistress lived. That night, guided by the Pallittorres' fires, Baker, Cubit and Cubit's mistress went to the blacks' camp and killed nine of them. Cubit was reputed to have killed more blacks than any other man in the colony.¹⁸

After Baker 'escaped' on the day of 12 June, the Pallittorre raided his hut. Baker did not become aware of this 'plunder' until the following day; his actions the night before were therefore in response to several other factors: the approach by the black he had killed; being surrounded by two hundred blacks (an estimate made in the fear of the moment?); an accumulation of hatred and fear of the blacks; and, as I will discuss below, a belief that violence was a necessary part of black-white contact. The Pallittorre stripped Baker's hut of all its bedding material and clothes. They took seven bushels of flour, which they used to make damper, all the knives, an axe, two pairs of sheep shears, a pair of scissors, a tomahawk, some gunpowder and all the tin pots. They also took away 30 or 40 kangaroo skins. Clearly, the Pallittorre wanted Baker to leave.

Two markedly different strategies were pursued by the protagonists. The Pallittorre sought to threaten transgressors of expected reciprocal arrangements, either to procure payments due or to induce the colonists to leave, rather than engage in direct conflict; the colonists ignored reciprocal expectations and practised the massacre in response to Aboriginal threats. Baker's version of the story has himself escaping from the blacks. I contend that the Pallittorre allowed Baker to escape. Their business was not to kill him, nor did they respond impulsively to Baker's action. Their intention was to collect payments owing, to frighten him into leaving and to reduce his capacity to continue colonising their land. Whatever their feeling about Baker, the Pallittorre felt no immediate need to leave the district, nor to conceal themselves, suggesting they felt no further threat from Baker, at least not in the immediate future. This interpretation is supported by evidence prominent colonist Roderick O'Connor gave to the 1830 Aborigines' Committee. O'Connor told the committee 'the Natives are more anxious to plunder than to murder'.¹⁹

*

The various incidents associated with the killing of William Knight and the subsequent massacre of up to sixty Aborigines consolidated a pattern of relations between the Pallittorre and the colonists which persisted until the mid-1830s. Following Knight's death, the Pallittorre continued to raid and sometimes

burn stock-huts, spear cattle and sheep, and drive away the colonisers. Whitefoord Hills, to the west of Deloraine township, was one popular site of resistance during 1830. At least five separate incidents occurred there,²⁰ including one near the Avenue in which 300 sheep were clubbed to death. The Avenue plain had been 'for countless generations the favorite hunting ground of large tribes of natives, owing to the plentifulness of game, kangaroo and wallaby abounding from the Blackamoor to the Rubicon'.²¹ The tactic of attacking the colonists' economic interests but refraining from attacks on the person were met with what only can be described as a series of mass murders. In July 1830, for example, the Pallitorre attacked some stock-keepers and successfully drove them away. Soon afterwards, the Pallitorre leader Quamby, along with several others, was killed.²² At Middle Plains, also in July 1830, 'Lyons and some others fell in with a tribe of natives and drove them into a small lagoon and shot several, and from there they drove them to the foot of Ritchie's Sugarloaf and shot all the others except an old man and a woman who begged for mercy and were suffered to go away'.²³ Henry Hellyer, the Van Diemen's Land Company chief surveyor, told Robinson that in 1830 a stock-keeper called Paddy Heagon living at the Retreat, some two miles east of the future Deloraine township, shot nineteen blacks with a swivel gun charged with nails.²⁴ O'Connor told the Aborigines Committee that 'Captain Ritchie's [stock-]men, to the westward of Norfolk Plains, used to hunt them on horseback, and shoot them from their horses'.²⁵ Punch told Robinson that several natives were shot by either Murphy or Murray and two others at the Long Swamp. Punch felt that these men were excessively cruel and that 'in this case they ought to be punished'.²⁶

The Pallitorre continued to respond to these assaults with retribution spearings, which were not intended to kill, and with raids on stock-huts. One such attack was made on a stock-hut at Dairy Plains occupied by Thomas Johnson and Dolly Dalrymple. This incident has been written about several times. Dolly is usually presented as heroically resisting a vicious and cowardly assault by a large number of blacks.²⁷ A six hour siege is reported to have occurred, and Dolly's heroism is frequently marvelled at because she was a woman and because she was a 'half-caste', the daughter of an English sailor and an Aboriginal woman whom the sailor had abducted. These racist and sexist interpretations always fail to locate the blacks' attack on Dolly's hut within the wider black-white relations in the district. On this occasion the blacks speared Dolly's daughter in the thigh, and they set fire to the hut. While there can be little doubt that the attackers were in a mean mood and that in all probability Dolly acted with great bravery, the

interpretations of this incident always seek to 'heroineise' Dolly and 'cowardise' the blacks.

The Pallitorre also regularly harassed Cubit. In September 1831 Cubit walked from his hut at Stocker's Plain to collect water from a nearby spring. Local legend has it that 'some score or more of spears' were thrown at him. Cubit 'beat a hasty retreat' to his hut but received eight wounds, none fatal, along the way. The blacks made a 'long and determined attack' on the hut but a stockman there 'shot several of them, and the remainder fled to the mountains'. Other Aborigines who frequented the district apparently wearied of the struggle. Sometime in 1830, in response to Arthur's offer of a free pardon to any convict who could 'conciliate' Aborigines, John Benfield approached three blacks. He offered them bread and, putting aside his gun as requested by the blacks, was led to a place beyond Dunorlan. From here Benfield took a larger group to the local military party; Benfield subsequently received his pardon. This report suggests that these blacks sent out three of their number to meet Benfield for the purpose of making arrangements to 'come in'. Lack of food and weariness of the struggle, or perhaps an unwillingness to engage in the struggle, were reasons why many Aboriginal groups submitted to the invader. Perhaps the brutality and extent of the killings in Pallitorre country also induced these particular blacks to 'come in'.²⁸

Attitudes to the use of force

In the second half of the 1820s, both Aborigines and colonists in Van Diemen's Land adopted practices designed to induce fear and terror in the hearts and minds of their respective enemies. But, as I suggested above, the methods used by the two groups to induce fear and terror differed considerably. The Aborigines were far more imaginative in their use of force than were the British, using different methods to achieve different ends; for the British, force usually meant mass killings of Aborigines. Indeed the record shows that for the British the mere fact of being black was sufficient cause to warrant the use of extreme and unlawful force against Aborigines.

Lyndall Ryan, for Van Diemen's Land specifically, and Henry Reynolds, on a wider national scale, have written comprehensive analyses of the reasons for Aboriginal resistance, citing such factors as the invasion of their land, the failure of the colonists to accept reciprocity, British killings and abductions of Aboriginal women and children, and a desire for the British to leave. Reynolds has also offered a wide-ranging account of the tactics, both traditional and new, employed by Aborigines across Australia in that resistance. Tactics such as surveillance,

retribution spearings and occasional retribution killings were derived from traditional cultural practices. Innovations included the use of British food, which increased mobility and lessened the risk of capture or reprisal; the theft and in some places the use of firearms; economic warfare, such as killing stock, burning haystacks or ruining seed; and selective attacks which also lessened the risk of reprisal.²⁹ The Van Diemen's Land experience, including that of the Pallitorre, largely conforms with this explanation of the reasons for resistance and the explication of the tactics used by Aborigines. But the Pallitorre experience, and that of Van Diemen's Land Aborigines generally, suggests that our understanding of the nature of black-white violence can be enhanced by further exploration of two important issues: Aboriginal attitudes to the use of force, as distinct from the tactics used; and the characterisation of Aboriginal resistance as guerilla warfare.

The evidence for the Pallitorre suggests they never believed that violent killing, or even lesser expressions of force, were necessary or even desirable in their relations with the colonisers. As Punch told Robinson 'when he first came the natives was very peaceable, but they have been drove to commit outrages on the whites by reason of the dire atrocities first committed upon them'.³⁰ The evidence prior to the Knight killing suggests they sought to negotiate a reciprocal arrangement with Knight. In their ten years of relations with the British, during which time many of their people were killed, the Pallitorre killed only two whites.³¹ On many occasions they could have killed colonists, but did not. The ambush and killing of William Knight was a premeditated retribution prompted by several factors, both local and non-local, as argued above. On most occasions, Pallitorre hostility involved theft or property damage, or attempts to induce colonists to leave, not the killing of colonists. Given that less than 2500 colonists were killed by Aborigines Australia-wide,³² the Pallitorre approach to the use of force seems to have been widespread across Australia. And although colonists were killed, never did Aboriginal violence in Van Diemen's Land come to resemble the often unprovoked promiscuous violence practised by the British. This was not a question of 'primitive' weaponry (captured guns were not used against the colonists), or of lacking the tactical skill – the record shows Aborigines were skilful, creative and witty in their resistance to the British.³³ Rather, Van Diemen's Land Aborigines chose not to commit atrocities on the scale practised by the British.

One prevailing tendency in the historiography of Tasmanian Aborigines is to assert that the Aborigines were experiencing some kind of slow strangulation of their intelligence at the time of the British invasion. Rhys Jones was the

modern populariser of this social-Darwinist notion, and it has manifested itself in a number of ways both before and after Jones presented his thesis in the film *The Last Tasmanian*.³⁴ Along with the myth that Aborigines became extinct with the death of Truganini in 1876, this strangulation myth has been and still is a major factor in the oppression of Tasmanian Aborigines.³⁵ In this regard it is important to stress the tactical innovation demonstrated by Van Diemen's Land Aborigines in their responses to the British invaders. Failure to do so not only encourages the contemporary survival of the strangulation myth, it runs the risk of depicting Aborigines in early colonial Tasmania as captives of the topography and their cultural traditions. The issue of Aboriginal adeptness at guerilla warfare is a case in point. Certainly the topography, the process of gradual occupation by the British, and the weapons preferred by the Aborigines meant guerilla warfare was an obvious option, but we should be wary of the proposition that guerilla warfare was a 'natural' development, that Aborigines took to guerilla warfare as a fish takes to water. Such an assertion tends to imply that the choice to use tactics which historians have conceptualised as guerilla warfare were not conscious choices, but rather something which Aborigines did 'naturally'.³⁶ Certainly they worked to harness advantages available to them, but we need to recognise and acknowledge that creative and intelligent choices were made.

Characterisations such as Jones' notion of strangulation may be unwittingly supported by interpretations about the nature of the Aboriginal military response to the British invasion. Reynolds suggests that many Aboriginal groups moved from 'feud to warfare' in their relations with the British.³⁷ In general terms this model does describe a broad movement that did occur. There are three problems, however, associated with this model. One is that it can be interpreted as meaning that the Van Diemen's Land Aborigines were slow to discard responses based on traditional practices; two, the model fails to explain why the shift occurred; and three, the model fails to recognise that some groups who met colonisers for the first time in the mid 1820s, such as the Pallitorre, moved much more quickly into the warfare mode than other groups. The most vigorous and organised resistance in Van Diemen's Land coincided with the rush of occupation in the second half of the 1820s. Until that time, many Aboriginal groups preferred to negotiate solutions, largely on the basis of reciprocity, rather than engage in conflict. Not until the massive escalation of sheep and colonisers in the mid-1820s did warfare develop. Also, the decline in Aboriginal population levels induced survivors to come together, thus creating the impression of a late organisation. This impression tends to obscure the point that although the conflict

intensified in the late 1820s, reflecting an apparent transition from 'feud to warfare', the tactics used underwent refinement rather than major change during the 1820s. Aboriginal hostility, although more organised in the late 1820s, remained linked to the retribution process, to attempts to drive the colonists away, collect due payments or acquire food. The Pallittorre experience suggests it took them little time to realise they were involved in an open-ended conflict with their invaders. After they confronted Baker, for example, they remained in the immediate vicinity of his hut, leaving them easy targets for the reprisal that night. At that time, they saw that having enacted retribution, that particular matter was closed. But they learned very quickly that this was not the case. After they killed Knight, some ten days later, they travelled some five miles from the scene of the killing and posted sentries to detect evidence of pursuit.³⁸

One tactic which has not been emphasised as much as it might have been is that of the threat of force, a tactic closely related to the production of fear in the enemy. Reynolds cites one example of this tactic and Ryan in several instances refers to the Aboriginal intent to intimidate the colonists,³⁹ but in my view it deserves greater emphasis. Incidence of the threat of force, a less tangible tactic than the others discussed by Reynolds, needs to be discerned from the ethnographic record. The record for Van Diemen's Land in the late 1820s shows the existence of considerable British fear. During the military operation known as the black line, in September 1830, for example, the government's decision to begin the line below Launceston provoked both fear and outrage in Launceston and surrounding districts. A colonist at George Town, some thirty miles north of Launceston, reported seeing a tribe of some 600-700 Aborigines preparing to attack Launceston.⁴⁰ At the time there were less than 300 Aborigines still living on the entire island, although the general belief was that some 2,000 were still 'at large'. This capacity for fear reflects the colonists' sense of vulnerability, a vulnerability born of their own perception of Aborigines as treacherous savages as well as the Aboriginal capacity to induce fear. But was British fear merely an outcome of the conflict, and not an outcome deliberately pursued by the Aborigines? We need to be careful not to deny the possibility that Aborigines deliberately decided to use the threat of force and the attendant generation of fear as a powerful weapon in their war against the British, that Aborigines were creative agents in moulding the shape of the conflict, not merely ad hoc responders acting within parameters set by the topography, the British and their own cultural traditions.

Several incidents suggest that Aborigines in Van Diemen's Land used the threat of force as a major weapon in their struggle against the British. Ryan relates an incident at Eastern Marshes, near Oatlands, in October 1824, in which 150 Aborigines, accompanied by 50 dogs, divided into groups, surrounded a stock hut, threw spears and stones, and finally surrounded the hut with fires. Despite a siege lasting in excess of five hours, the two servants who occupied the hut 'escaped'.⁴¹ This incident represents far more than a desire to acquire provisions; occurring at the beginning of the Black War, it can be read as a symbolic incident, a display of a range of weapons in a configuration of confinement but exercised primarily as intimidation, demonstrating to the colonists at large that the threat of force and its attendant fear were to become a fact of daily life. The Pallitorre adopted similar tactics. In addition to the Baker incident, twenty or thirty Pallitorre chased John Hurling from the site of Knight's killing, throwing spears at him, all of which missed. In both cases, the Pallitorre threatened the two colonists with force; in neither case was the colonist actually assaulted. These threats of force, read as statements of intent, suggest the Pallitorre wished to convey to the colonists not merely a desire to have them leave, but to frighten them and other potential invaders, to create in the minds of colonists a permanent state of fear.⁴²

Other tactics also were designed to induce fear. In the summer of 1827-28 the sudden appearance and open hostility shown by the Luggemairrernerpairrer and Laimairremener bands of the Big River tribe caused panic among the colonists. The decision of the Laimairremener to split up and work in two adjacent areas along the Ouse and upper Derwent Rivers gave 'the impression of combined strategy'. At other times, constant movement and sudden attacks in unexpected places made capture difficult, thereby keeping fear levels high.⁴³ There are numerous reports of Aborigines telling raided colonists they would be back to get them. In December 1829, for example, the Laimairremener robbed huts near New Norfolk. They speared a settler and took his two pistols; they did not kill him, but told him 'we will give it to you'.⁴⁴ The taking in raids of guns and knives, although there are no reports of those weapons being used in Van Diemen's Land, would almost certainly have enhanced British fear. These tactics produced fear amongst the colonists; such tactics were shaped by the traditional movements of those bands and the local topography, but were also the results of decisions, consciously taken, to induce terror amongst the colonists. Fear was not simply the outcome of tangible tactics; it was also the outcome of an Aboriginal policy of terror. The threat of force, and the fear such threats

engendered, rather than tangible violence itself, was a major, if not the major weapon used.

The savagery of the British reaction to Aboriginal hostility has several explanations. Fear, racial hatred and the Aboriginal resistance certainly contributed to that over-reaction; but given the 'peaceable' disposition of the Pallitorre and many other Aboriginal bands in Van Diemen's Land, can such factors account for the ferocious nature of British violence? At least two writers have suggested that colonial powers have seen racial others as inherently criminal and necessarily productive of social chaos. Winthrop Jordan suggests that free African Negroes in America were seen to be potentially if not actually in a state of insurrection. Barry Morris recently argued that force was seen by colonists as a necessary part of black-white contact in colonial New South Wales; this perception was prompted and legitimated by constructions of Aborigines, based on real and imagined fears, as treacherous savages always likely to undermine the colonial effort. The perception that force was necessary pointed to an inherent instability of British power in colonial situations, giving rise to a culture of terror which governed colonists' relations with Aborigines in colonial New South Wales.⁴⁵

Following Jordan and Morris, free or uncontained Aborigines can be characterised as potential or actual insurrectionists who had to be controlled by force. The record for Van Diemen's Land, including both Aboriginal and British actions, supports such a characterisation. Certainly the record shows that Aborigines in Van Diemen's Land refused to accept the theft of their lands. On the British side, perhaps the most telling evidence is the decision in the early 1830s by Arthur and Robinson to 'round up' West Coast Aborigines who posed no threat to British occupation.⁴⁶ The record of British violence in Pallitorre country, certainly after William Knight's death, suggests emphatically that most colonists there felt it necessary to use force against the local Aborigines; and there can be little doubt that Aboriginal violence, relatively limited though it was, consolidated such perceptions.

Several prominent colonists who assessed the conflict between black and white argued that force was necessary in dealing with Aborigines. Arguments for force often drew links with perceived Aboriginal savagery and the need for force. In an analysis of the potential value of the black line, the *Launceston Advertiser* owner and editorialist John Pascoe Fawcner argued that the capture of the blacks 'cannot be achieved without bloodshed' – the ability of the blacks to disappear into the bush and avoid apprehension meant that force was necessary if they were to be contained. The only way to prevent 'their deadly incursions' was 'by shooting a

few of them'.⁴⁷ Colonists giving evidence to the Aborigines' Committee believed that force was necessary. Roderick O'Connor, for example, thought it 'impossible to suppress them by open force'; the Aborigines should be fought not openly but in a silent war marked by the genocidal ambush. O'Connor advocated 'some of the worst characters would be the best to send after them', citing a colonist called Douglas Ibbens who had killed half the eastern tribe 'by creeping upon them and firing amongst them with his double-barrelled gun'.⁴⁸ John West also felt that force was necessary to subjugate the Van Diemen's Land 'savages'. In 1852, West wrote that the consequences of the occupation for indigenous people are of little concern because the 'original occupation of this country necessarily involved most of the consequences which followed'. Like the 1830 Aborigines' Committee, West blamed the convicts for inflicting death and destruction on the Aborigines. But in West's view the Aborigines themselves were chiefly to blame, since as savages they were unable to comprehend the laws of civilisation: 'the barbarian that cannot comprehend laws or treaties, must be governed by bribes, or force'.⁴⁹

Although historians such as A.G.L. Shaw have argued that Governor Arthur was genuinely concerned to protect the Aborigines in Van Diemen's Land,⁵⁰ the record of events does not lend substance to the proposition; on the contrary, the evidence suggests that both the British government and Arthur, along with most colonists, believed that force was necessary, certainly if the Aborigines refused to accept British authority. David Neal has recently shown that in New South Wales the rule of law was not applied in order to protect Aborigines;⁵¹ the same is the case for Van Diemen's Land. Arthur's governorship is marked by a failure to prosecute the many recorded massacres perpetrated against Aborigines by parties of colonists including police and soldiers, the revenge massacre for William Knight's death being but one example. This failure suggests Arthur believed force was necessary. Bronwyn Desailly has convincingly shown that the British government was prepared to condone the use of force to suppress Aborigines who challenged the British occupation, although it sought to conceal such condonement.⁵² It is not surprising then, that from the time Aborigines began to seriously threaten the British invasion of their hunting grounds, Arthur's policy reads as a sequence of measures involving the forceful repression of Aboriginal resistance.⁵³ In the late 1820s Arthur actually adopted a formal policy of terrorising the Aborigines out of the 'settled districts', a policy which sought to move between the threat and the use of force.⁵⁴ It makes no difference, as Shaw has argued, that Arthur may have been powerless to stop atrocities against Aborigines – the point is that his policy both facilitated and

encouraged atrocities such as those committed against the Pallitorre. Reynold's most recent work suggests that Arthur himself was aware of this.⁵⁵

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The urge to exonerate historical actors of blame for the fate of the Aborigines is still strong at the end of the twentieth century. In the 1993 Native Title debate, Geoffrey Blainey sketched a version of the history of black-white contact in Australia in which he sought to cast doubt on the need for, or desirability of Native Title legislation. In a series of newspapers articles and the occasional reported speech, Blainey articulated a position on Native Title which argues that in the course of dispossession most Aborigines died from disease and that Aboriginal society would inevitably decline in the face of the natural planetary spread of superior western civilisation. Blainey delivered these views in support of his position that the then federal Labour government was being too generous to the country's Aborigines in what he sees as a guilt-ridden and politically-correct attempt to make reparation for perceived past wrongs.⁵⁶ In his criticism of the High Court Mabo decision, Blainey argued that the judges were told the wrong story of the past; Blainey's story, presumably, is the right one. Here we have the self-proclaimed historiographical objectivist accusing supporters of Native Title of propagating a fashionable political-correctness, while ignoring the political motivation which informs his own views – aptly described by Humphrey McQueen as the defence of the Australian mining industry.⁵⁷

Blainey's assertion that disease was responsible for most Aboriginal deaths simplifies and distorts the wider story of Aboriginal deaths in the process of colonisation. While agreeing that disease and other factors, all linked to colonisation, were responsible for most Aboriginal deaths, Reynolds asserts that between 1788 and the 1930s at least 20,000 Aborigines in Australia were killed by whites or their agents, some of whom were native police.⁵⁸ Plomley argues that in Van Diemen's Land, starvation caused by the British occupation of hunting grounds was one significant cause of Aboriginal deaths.⁵⁹ The importance of local studies lies in the recognition that different factors contributed to most deaths in different places. In many places, certainly in Tasmania, it is not possible to tell how many Aborigines were killed, how many died from disease, or how many died from starvation. According to the historical record, the chief cause of Aboriginal deaths in Pallitorre country was the promiscuous massacre. In any case, as Reynolds has pointed out, the important point from the perspective of national debate about white Australia's obligations to Aborigines in the wake of Native Title is not how many died from what cause, but asserting that disease

accounted for most and neglecting to acknowledge the extent of killing – the course Blainey chose during the native title debate – minimises the reality of contact violence.⁶⁰

Irresistible inevitability and human agency

In his *The Invasion of America*, Francis Jennings used the term 'the conquest myth' to characterise colonial justifications of indigenous dispossession which emphasise the inevitability of the process. According to this myth, savagery and civilisation were opposites, the natives incapable of civilisation and hence of full humanity, the colonists 'ennobled in their contest with the dark powers of the wilderness'. Savages were creatures of the wilderness and would always remain so, whereas the civilised were 'required by divine sanction or the imperative of progress to conquer the wilderness and make it a garden'. Fundamentally, all prescriptions contained within the myth were in some way fated – as Jennings puts it, 'it was all inevitable'.⁶¹ As a means of rationalising the gruesome reality of Aboriginal dispossession, various elements of the conquest myth were re-inforced during the early decades of the British occupation of Tasmania. Aborigines were routinely perceived as objects of savagery, if not the most uncivilised savages on earth. In the early 1850s, the conquest myth was popularly articulated in Tasmania by the Launceston-based preacher, editorialist and historian John West.⁶²

West's views on the inevitability of conquest are important in this story. West was an immensely influential journalist and preacher in northern Tasmania during the 1840s and 1850s.⁶³ His views provide strong evidence that the conquest myth was widely accepted in Van Diemen's Land, and his contribution to racist ideology, at least in Tasmania, has been considerable. West found that the occupation of Aboriginal land in Van Diemen's Land was just in the following terms:

The right of wandering hordes to engross vast regions — forever to retain exclusive property in the soil, and which would feed millions where hundreds are scattered — can never be maintained. The laws of increase seem to suggest the right of migration: neither nations nor individuals are bound to tarry on one spot, and die. The assumption of sovereignty over a savage people is justified by necessity — that law, which gives to strength the control of weakness. It prevails everywhere: it may be either malignant or benevolent, but it is irresistible.⁶⁴

Three closely related ideological positions inform West's justification of occupation. West argues firstly in Lockean terms⁶⁵ that the 'laws of increase seem

to suggest the right of migration'. Migration for West is in fact necessary, for without it both individuals and nations will perish. Secondly, the occupation is justified by the social-Darwinist law which 'gives to strength the control of weakness'. This law prevails everywhere, its moral implications being coincidental to its ubiquity. Thirdly, West wrote that it 'is not in the nature of civilisation to exalt the savage'; the relation of the savage to the white (West's word) 'can only be that of an alien, a slave...'⁶⁶ Three natural laws then, those of increase, the dominance of the strong over the weak, and the incorrigibility of the racial savage render inevitable a just and necessary occupation of Aboriginal land. These are laws which impel and dictate broad historical forces which human society is obliged to accept, indeed must accept because they are irresistible. In part, West was responding to a widely felt ambivalence in the 1830s and 1840s about British presence in the colony and the implications of that presence for the island's Aboriginal population. W.P. Weston, for example, spoke for many colonists when he wrote that while pleased that the island had been reclaimed from its 'debased and treacherous' owners, he regretted the violation of the laws 'established by Him who hath made of one blood all men to dwell upon the face of the earth'⁶⁷ West's justification for England's 'assumption of sovereignty' was thus one early expression of a process of denial of responsibility, termed by later historians as a great silence in Australian historiography, which is still evident at the present time.

In a column in the *Melbourne Age* in which he addressed some implications of the Native Title Act, Geoffrey Blainey informed his analysis with an ideological positioning similar to that professed by West. Attributing a major population increase to the pre-Christian invention of agriculture, Blainey argues that for 5,000 years the strong have invaded the weak; and that the Aboriginal 'way of life was bound to be overthrown eventually because it supported so few people on so much land'. Blainey also offers a modern version of West's law concerning the incorrigibility of the savage. The Native Title bill 'is introducing a form of ownership and an attitude to the land that served the world well in the Stone Age but will be self-defeating in the 21st century'. And despite an historiography that compellingly documents the deliberate process of marginalisation, Blainey argues that the 'main reason' why Aborigines are 'less fortunate' in the fields of

health, education and work opportunities...is because their traditional culture, for all its merits, does not fully equip them for the modern world.

The new emphasis on Aboriginal ownership of land is reinforcing culture. In that sense, it is a backward step.⁶⁸

The inevitability argument operates on two levels, the inevitability of the occupation itself, and the inevitability of Aboriginal deaths once the occupation had occurred. The argument that historical processes inducing the inevitability of invasion might be at work is supported by some superficial evidence. Five thousand years of invasions and almost continuous war suggest an entrenched desire to dominate others. But the issue is more complex and problematic than either West or Blainey allow. Robert King has argued, for example that important strategic, trade and social factors figured prominently in a long-running debate which culminated in the occupation of Aboriginal Australia. And recently Alan Frost has argued that the British occupation of Australia was part of a British Board of Trade plan to establish a global free trade network.⁶⁹ Such choices challenge the notion of human society being impelled to act by instincts beyond its control. Once again Blainey's historical method reduces a set of complex processes to simplified generalisation.

West asserts that occupation 'necessarily involved most of the consequences which follow',⁷⁰ not only was the invasion necessary and just, so too were the consequences which followed! Is such a view beyond dispute? If we accept the view that the bulk of the colonists thought force was a necessary, it was more or less inevitable that many Aborigines would die violent deaths, although there are many examples of colonists who were able to enjoy relatively harmonious relations with Aborigines, primarily when control of land was not an issue. Ryan shows, for example, that relations between Aborigines and sealers along the north coast of Van Diemen's Land in the early years of the nineteenth century were in some respects mutually beneficial and certainly more harmonious than those with agriculturalists and graziers from about 1810 onwards.⁷¹ The apparent ability of individuals such as Punch to co-exist with the Pallittorre also shows that conflict and death were not inevitable.⁷² In any case, neither the argument for the inevitability of invasion, nor the belief that force was a necessity, should obscure the fact that in many cases of massacre, actions followed premeditated decisions. If we held that the belief that force was a necessity meant that mass killings of Aborigines was inevitable and hence somehow an inevitable fate, we dispense with the notion that individuals and states ought to be held accountable for their actions, irrespective of when those actions were committed. In Van Diemen's Land prevailing ideas and circumstances helped shape decisions, but individuals made decisions and committed actions. Beliefs, ideas

and circumstances may prompt decisions and help explain subsequent actions, but they cannot exonerate individuals from responsibility for those actions, especially in the absence of substantive evidence of self-defence. Just as the Pallittorre were not the passive victims of their invaders, nor were the invaders the passive victims of their own beliefs, prejudices and prevailing circumstances. That the Van Diemen's Land Aborigines were brutally massacred was never inevitable; mass killing by massacre was the outcome of consciously taken decisions.

When combined with representations of Aborigines as anachronistic cultural objects, the inevitability argument on both levels — invasion and deaths — is calculated to exonerate past historical actors for responsibility for the mass murder of Aborigines; it serves also to excuse contemporary Australians from the responsibility to provide Aborigines with necessary and just human rights, usually conceived as some form of land rights, and the provision of basic services such as health care and educational opportunity. The effect of the inevitability argument is to render the decision to invade and the deaths which followed of lesser significance in the destruction of Aboriginal society than the broad historical forces which impelled those lesser, contingent decisions. As did West, Blainey is seeking to swing the pendulum of public opinion away from an acceptance of pre-meditated killing as a major cause of Aboriginal deaths and towards a more comfortable view of the past — that Aborigines lacked both the biological capacity and the cultural sophistication to adapt to the inevitable arrival of a superior western civilisation.

Conclusion

Selective remembering and crude justifications of the impacts of colonisation on indigenous people are both expressions of what Humphrey McQueen has called a 'contest to control the memories that nourish national consciousness and so shape our future'.⁷³ Given such lofty stakes, it is crucial that substantive arguments and the methodologies employed by public protagonists such as Geoffrey Blainey are closely scrutinised. Blainey and his predecessor West give us essentially colonial versions of the past; their histories document Australian history as the story of western progress and broad historical forces to which individual agency is always susceptible. They present historical pasts in which the indigenes and their culture are relegated to the periphery, and a present in which they are required to assimilate into western culture and society, or perish. Both use their versions of the past to argue, each for his own generation, that

reparation to Aborigines for their dispossession is not necessary because the forces inducing dispossession are effectively natural law. But Blainey's contributions to the Native Title debate, as I have argued, are based on grossly insubstantial and over-generalised versions of Australia's past which obscure experience at the local level. The dangers for the integrity of historical scholarship inherent in such generalised versions of racial conflict are exacerbated when high-profile historians like Blainey seek to popularise comfortable and sanitised versions of the past. Death by disease is no doubt a less culpable notion than death by violence for a clientele enamoured of a celebratory version of Australia's past.

Local historical studies enable us to engage with the particular, the actual, and the complex, to explore wider issues at close range and perhaps understand more intimately the living actuality of the time. The argument that colonisation in Australia was an abstract force to which humans were bound to defer, or 'a *structure* imposed on local *practice*',⁷⁴ tends to deny the diversity and complexity of relations between indigenes and colonisers in local places at different 'historical moments.'⁷⁵ This argument tends also to deny the level of agency open to the participants in those relations. Similarly, explaining Aboriginal deaths in terms of the abstraction 'disease' obscures the complex of ways and circumstances in which indigenous people died. To claim validity, a generalised view must reflect detailed investigation of local places; it must reflect regional variations and similarities, not subvert them to convenient generalisation. Historical opinion, especially on an issue which many observers believe has deep implications for the moral character of contemporary Australian society,⁷⁶ should always proceed from a rigorous historical analysis of available evidence and from generalisations which take account of the diversity and complexity of experience in local places.

Notes

¹ W.P. Weston, *Reminiscences*, hand-written MS. Box 5, ENVC, Weston papers. Queen Victoria Museum & Art Gallery, Launceston. pp 93-4

² Ryan, *The Aboriginal Tasmanians*, 1981, p83

³ Simon Cubit, 'Squatters and opportunists', p10

⁴ Ryan, *Aboriginal Tasmanians*, 1981, p139

⁵ *Daily Telegraph*. 11 November 1893; J.R. Skemp. *A History of...Deloraine*. pp 10-11; Cubit. 'Squatters and opportunists', p11; M.C. Hartwig. 'Aborigines and racism: an historical perspective', in *Racism: the Australian Experience*. ed F.S. Stevens. Sydney: Australia & New Zealand Book Co, 1971, pp 9-24

⁶ Clive Turnbull. *The Black War*, Melbourne: F.W. Cheshire. 1948; Ryan. *Aboriginal Tasmanians*, 1981; Lloyd Robson, *History of Tasmania*, Vol 1. Melbourne: Oxford University Press, 1983, ch11; Henry Reynolds. 'The black war: a new look at an old story'. *P&P*. THRA. Hobart. 1984, vol 31/4. pp 1-8; Henry Reynolds. 1988, 'The black war: Tasmania's first landrights movement'. *Island Magazine*, nos 34/34. Hobart. pp 104-6

⁷ Rhys Isaac, *The Transformation of Virginia: 1740-90*, Chapel Hill: University of North Carolina Press, 1982, pp 323-29

⁸ Depositions concerning the death of William Knight, 1827, CSO 1/316, AOT, Hobart. Unless otherwise indicated the information in the following section is drawn from these depositions. Four statements were given to P.A. Mulgrave, police magistrate at Launceston, between 26-30 June 1827. The statements were given by a police constable, a soldier, an overseer of convicts and an assigned convict.

⁹ I was unable to find any reference to this word.

¹⁰ Sharon Morgan, *Land Settlement in Early Tasmania*, Melbourne: Cambridge, 1992, pp 143-50

¹¹ See Neal, *The Rule of Law*, pp 17-18, 58, 78-80, for a discussion of the non-application of the rule of law to Aborigines in New South Wales prior to 1860.

¹² This tendency to downplay the ferocity of the British response to Aboriginal aggression culminated later in the nineteenth century in what W.E.H. Stanner called 'a cult of forgetfulness' in Australian historiography. See W.E.H. Stanner, *After the Dreaming*, Sydney: The Boyer Lectures, 1968, p25. See also M.C. Hartwig, 'Aborigines and racism: an historical perspective', pp 9-11, and Tom Griffiths, 'Past silences: Aborigines and convicts in our history-making', *Australian Cultural History*, no 6, 1987, pp 18-31

¹³ Ryan, *Aboriginal Tasmanians*, 1981, p88

¹⁴ Hobart *Colonial Times*, 6 July 1827.

¹⁵ Plomley, *Friendly Mission*, p 219. In 1830, information about black-white relations in the Deloraine district was given to the diarist G.A. Robinson by a stock-keeper called Punch. Punch worked on a stock-run at Avenue Plains, near Parkham, some 10 kilometres west of Deloraine township. Born in London, he was a former convict who had also been a constable. Robinson described him as very civil, and was impressed by the fact that Punch gave Truganini, who was travelling with Robinson, a new pair of shoes.

¹⁶ N.J.B. Plomley, *The Aboriginal-Settler Clash in Van Diemen's Land*, Launceston: Queen Victoria Museum, 1992, pp 44-51

¹⁷ See Henry Reynolds, *The Other Side of the Frontier*, Melbourne: Penguin, 1982, pp 68-70 and 72-3 for a discussion of the role of Aboriginal reciprocity in Australian race relations.

¹⁸ Plomley, *Friendly Mission*, p 219; *Daily Telegraph*, 11 November 1893

¹⁹ A.G.L. Shaw (ed), *Van Diemen's Land: Copies of all correspondence...on the subject of the military operations...against the Aboriginal inhabitants...*, Hobart: THRA, 1971, p 54

²⁰ Plomley, *The Aboriginal-Settler Clash*, pp 44-51

²¹ *Daily Telegraph*, 21 October 1893

²² Ryan, *Aboriginal Tasmanians*, 1981, p139

²³ Plomley, *Friendly Mission*, p218

²⁴ Ryan, *Aboriginal Tasmanians*, 1981, p139

²⁵ Shaw, *Van Diemen's Land correspondence*, p54

²⁶ Plomley, *Friendly Mission*, p218

²⁷ Skemp, *A History of...Deloraine*, pp 10-11; Veda Veale, *Women to Remember*, St Helens, Tasmania: no imprint, 1981, pp 83-90

²⁸ *Daily Telegraph*, 11 November 1893

²⁹ Ryan, *Aboriginal Tasmanians*, 1981, ch7; Reynolds, *Other Side of Frontier*, pp 103-110

³⁰ Plomley, *Friendly Mission*, p219

³¹ Plomley, *The Aboriginal/Settler Clash*, p15

³² Reynolds, *Other Side of Frontier*, p121

³³ See Clark, 'Devils and horses', p64

³⁴ *The Last Tasmanian: a story of genocide*, (feature documentary), Sydney, Artis Film Productions Pty Ltd, 1976, producer Tom Haydon

³⁵ Discussions with Aboriginal colleagues and students over the past seven years have convinced me of this point

³⁶ Reynolds, *Other Side of Frontier*, p103

³⁷ Reynolds, *Other Side of Frontier*, pp 77-8

³⁸ CSO 1/316, AOT

³⁹ Reynolds, *Other Side of Frontier*, p105; Ryan, *Aboriginal Tasmanians*, 1981, ch7

⁴⁰ *Launceston Advertiser*, 4 October 1830

⁴¹ Ryan, *Aboriginal Tasmanians*, 1981, p88

⁴² See Ryan, *Aboriginal Tasmanians*, 1981, p97, for a further example.

⁴³ See Ryan, *Aboriginal Tasmanians*, 1981, p118; Shaw, *Van Diemen's Land correspondence*, pp 48, 54

⁴⁴ Ryan, *Aboriginal Tasmanians*, 1981, p119

⁴⁵ Winthrop D. Jordan, *The White Man's Burden: historical origins of racism in the United States*, London: Oxford University Press, 1974, pp 221-2; Barry Morris, 'Frontier colonialism

- as a culture of terror', in *Power, Knowledge and Aborigines*, Bain Attwood and John Arnold (eds), Melbourne: Latrobe University Press, 1992, pp 72–87
- ⁴⁶ Ryan, *Aboriginal Tasmanians*, 1996, ch10; Robson, *History of Tasmania*, vol 1, pp 249–50; Cassandra Pybus, *Community of Thieves*, Melbourne: Heinemann, 1991, pp 127–29
- ⁴⁷ *Launceston Advertiser*, 27 September 1830
- ⁴⁸ Shaw, *Van Diemen's Land correspondence*, p55
- ⁴⁹ John West, *A History of Tasmania*, vol. 2., Launceston: Henry Dowling, 1852, p96; Shaw, *Van Diemen's Land correspondence*, pp 35–41
- ⁵⁰ A.G.L. Shaw, *Sir George Arthur, bart*, Melbourne: Melbourne University Press, 1980, pp 123–34
- ⁵¹ Neal, *Rule of Law*, pp 17–8, 58, 78–80
- ⁵² Bronwyn Desailly, *The Mechanics of Genocide*, MA thesis, Hobart: University of Tasmania, 1977, ch3
- ⁵³ Robson, *History of Tasmania*, vol 1, pp 210–20
- ⁵⁴ Desailly, *The Mechanics of Genocide*, ch3
- ⁵⁵ Henry Reynolds, *Fate of a Free People*, p108
- ⁵⁶ Geoffrey Blainey, 'Mabo decision looked back through modern blinkers', *The Age*, 31 July 1993 and 'Mabo: what Aborigines lost', *The Age*, 10 November 1993; and 'Land rights for all', *The Australian*, 10 November 1993
- ⁵⁷ Humphrey McQueen, 'Manning Clark revisited', in *24 Hours*, Sydney, 1994, p55
- ⁵⁸ Reynolds, *Other Side of Frontier*, p122
- ⁵⁹ Plomley, *The Aboriginal/Settler Clash*, p15
- ⁶⁰ Henry Reynolds, 'Laws of the British empire recognised native title', *The Age*, 11 November 1993
- ⁶¹ Francis Jennings, *The Invasion of America: Indians, colonialism, and the cant of conquest*, Chapel Hill: University of North Carolina Press, 1975, pp 29–31
- ⁶² Morgan, *Land Settlement*, pp 143–50; West, *History of Tasmania*, pp 92–96
- ⁶³ Entry on John West, *ADB*, vol 2, 1788–1850, Melbourne: Melbourne University Press, 1966, pp 590–92
- ⁶⁴ West, *History of Tasmania*, pp 92–96
- ⁶⁵ A.T.Yarwood & M.J.Knowling, *Race Relations in Australia*, p95
- ⁶⁶ West, *History of Tasmania*, pp 92–96
- ⁶⁷ W.P.Weston, *Reminiscences*, 1843, The comments on Weston are drawn from the epigraph for this chapter. See also Rev. T. Dove, 'Moral and social characteristics of the Aborigines of Tasmania, as gathered with intercourse with the surviving remnant of them now located on Flinder's Island', *Tasmanian Journal of Natural Science*, vol 1, 1842, pp 247–8; Plomley, *Friendly Mission*, pp 202–3
- ⁶⁸ Blainey, 'Mabo assails equality', *The Age*, 24? July 1993
- ⁶⁹ Robert King, *The Secret History of the Convict Colony*, Sydney: Allen & Unwin, 1990, pp 13–20; Alan Frost, 'Botany Bay, Nootka Sound and the beginnings of Britain's imperialism of free trade', *Bulletin of the Centre for Tasmanian Historical Studies*, Hobart, vol 3/2, 1991–92, pp 4–11
- ⁷⁰ West, *A History of Tasmania*, p92
- ⁷¹ Ryan, *Aboriginal Tasmanians*, 1981, chs 3 & 4
- ⁷² Plomley, *Friendly Mission*, p 218
- ⁷³ McQueen, 'Manning Clark re-visited', p54
- ⁷⁴ Ann Laura Stoler, 'Rethinking colonial categories: European communities and the boundaries of rule', *Comparative Studies in Society and History*, 31, 1989, pp 135–6, in Nicholas Thomas, *Colonialism's Culture*, Cambridge: Polity Press, 1994, p13
- ⁷⁵ Thomas, *Colonialism's Culture*, p14
- ⁷⁶ Raimond Gaita, 'Mabo is simple humanity', *The Age*, 19 November 1993; Peter Read, 'Good historians and true – revising Aboriginal history', in *Victorian Historical Journal*, Melbourne, vol 61/4, 1990, pp 291–98; Tim Rowse, 'Mabo and moral anxiety', in *Meanjin*, Melbourne, vol. 52/2, 1993, pp 229–252

Chapter 2

PROPERTY & PRIVILEGE *creating landed elites*

Mr Dry...has by purchases and grants put together an uncommonly fine Estate containing twelve or fourteen thousand acres...One paddock encloses about Four thousand acres of the finest Soil capable of feeding Cattle of any weight. All the land around him is now located to most respectable Proprietors – Capt Stewart on the East, Mr Wm Bryan has an excellent farm on the South, Mr Lyttleton on the West has a very fine grant, and Mr Hobler on the same side has discovered...a beautiful piece of land which is now about to be measured to him.¹

Land disposal policies in colonial Tasmania produced an extraordinary incidence of concentrated ownership. In 1875 the Van Diemen's Land Company and the 100 largest estates accounted for 40-45% of all alienated land in the colony. In the predominantly pastoralist Midlands region most available land was organised into a small number of estates.² A similar concentration occurred in the Central North, even though farmers there practised extensive agriculture as well as pastoralism. In 1871 the best productive land in Evandale, Longford and Deloraine was owned by around 5% of the adult male population, and 10% in Westbury; these figures changed little throughout the century.³ A series of Waste Lands Acts, which alienated marginal forest land for small selectors, had no impact on the concentrated distribution of the best land in the second half of the nineteenth century. Only in the early years of the twentieth century did governments use their power to force redistribution of some larger estates into smaller properties for purchase by closer settlers. The 1907 Closer Settlement Act, which was the culmination of a long ideological battle between proponents of landed privilege and yeoman independence, was the instrument through which this redistribution occurred. The main purpose of this chapter is to show how the pattern of land distribution changed over time. Since historians have done some work in this field, the chapter draws on both primary and secondary sources. The land grant system, practised until 1832, has been much investigated by historians, but the crown land leasing arrangements, which operated until the mid-1850s, have generally been neglected. Both mechanisms were crucial in the creation of local landed elites. The official valuation rolls are used to offer a substantial analysis of distribution patterns after 1858. The years investigated are 1858, 1881 and 1901.

Land grants and crown leases

The land grant system impacted on the Central North from 1813 until 1828. During that time the Aboriginal hunting grounds in the region were surveyed by colonial land commissioners, classified as properties, and granted to British colonists. For the five or so years prior to 1813 grants in northern Van Diemen's Land were confined to the district immediately around and south of Launceston. Occupation of the Central North began in Panninher country (Norfolk Plains) in 1809 and spread in the 1820s to Pallitorre country (the Westward, later the Deloraine district). Until 1820 Lachlan Macquarie's belief in the value of yeoman agriculture as an instrument of convict rehabilitation was the chief factor shaping the provision of land grants in Van Diemen's Land. Most grants were small, although there were exceptions, and most were located adjacent to the North and South Esk Rivers.⁴ (see Map 4)

The impetus to colonise Norfolk Plains had its genesis in the New South Wales government's desire to relocate the Norfolk Island population. Some went to New Norfolk, north of Hobart, others to Norfolk Plains. On 12 December 1811 Macquarie christened Norfolk Plains as 'a most eligible and convenient situation' for the planned relocation.⁵ In February and March 1813 approximately 100 colonists, many of them emancipists, arrived from Norfolk Island. All received grants at Norfolk Plains. The blocks granted were small and most had river frontage on the South Esk River. In 1813 further small grants were made at Norfolk Plains and Morven (Evandale district) to a number of emancipists transported on the *Calcutta*.⁶ Free immigrants also began arriving in 1813. They bought land originally granted to Norfolk Islanders or were granted other land along the South Esk and Lake Rivers. The majority of grants until 1820 continued to be small, that is, under 100 acres; and most of these grants were made to emancipists. Most lacked capital and farming expertise, ingredients vital to future success as farmers.⁷ Against this trend of small grants, some grantees received larger grants. In 1817, for example, Thomas Archer, the officer in charge of the commissariat store in Launceston, was granted 300 acres, located on the Lake River.⁸ This grant to Archer began a Longford family estate which, although diminished in size, is still in place.

In 1820 power to make grants was transferred to the Van Diemen's Land governor, then Sorell. In conjunction with the advent of pastoralism,

this transfer of power to make grants changed the emphasis from the provision of properties for yeoman agriculture to properties for pastoralism, facilitating the emergence of a land monopoly which persisted through the century. This change in emphasis was reflected in much larger grants after 1820, primarily from 1823 onwards. Since most grants made before 1820 were small, much land was available for granting. Occupation spread further south along the Lake River, further west along the Western River (now Meander), and along the tributaries of the Western River, most of which rose in the Western Tiers to the south and flowed north to meet the Western.⁹ The focus on large grants in the 1820s is well illustrated in Pallitorre country. Despite his awareness that the land grant system had delivered to a few individuals most of the alienated land,¹⁰ Governor George Arthur granted to 22 colonists, between 1826 and 1828, a total of 38,330 acres of Pallitorre land in lots ranging in size from 700 to 2,560 acres.¹¹ The dating of grants is not necessarily an accurate indication of the timing of occupation. It is likely much of the Central North, especially west and south west of Launceston, was illegally occupied by graziers before location orders were made. Morgan suggests that by 1823 occupation had spread no further west than Westbury, but the emancipist William Field and Captain Thomas Ritchie both grazed cattle in Pallitorre country in 1823.¹² So while occupation began at Norfolk Plains on mainly small grants, in Deloraine most early grants were relatively large. In the second phase of the grant period, many grantees were 'men of modest capital from the urban and rural middle classes of England, Scotland and Ireland...', retired officers, merchants, professional men, yeoman farmers and 'other persons of respectable connections'. Many had orders from the British government for free grants.¹³ The great bulk of grantees were men, despite contemporary recognition of women as capable farmers. Forty percent of grantees were married, some thereby deriving the psychological, emotional and economic support families can provide. Two thirds of those who received extra grants were married; just over 50 percent of pre-1824 grantees either were or probably were former convicts, many of them from Norfolk Island.¹⁴

Despite the proliferation of small grants in the pre-1820 period, by the early 1830s a small number of colonists controlled most of the region's land that was in private hands. During the following 25 or so years an hierarchical

ownership pattern evolved, featuring a small group of land barons and district landed elites which persisted through the nineteenth century. The development of this pattern of ownership was the result of a complex of factors operating before the 1850s. While grants were initially small, the largest permissible grant was 2,560 acres, although in some cases this limit was exceeded.¹⁵ Since grants were normally made in accordance with aspiring colonists' capital, the arrival of wealthier colonists towards 1820 resulted in the provision of larger grants. Wealthier colonists received their grants more quickly than the less wealthy. Small grantees, especially emancipists, often had to wait several years for their grants whereas many wealthier grantees actually had grants recorded before their arrival in the colony.¹⁶

Table 2.1: Concentration of Crown Leases, Tasmania's Central North, 1858

<i>District</i>	<i>Total acres leased</i>	<i>acres leased</i>	<i>lessees</i>
Longford	153,537	58,840/38%	5
Westbury	39,860	27,370/69%	6
Evandale	20,920	11,251/54%	4
Deloraine	51,087	30,880/60%	5
Region	265,404	128,341/48%	20

Source: Calculated from Valuation Rolls, Hobart Town Gazette, 1858

Grantees had access to several methods of acquiring further property, including extra grants, purchasing property from failed farmers or speculators, and the crown land leasing system. Extra grants were normally intended for colonists who had 'made outstanding improvements', especially those with sons wanting farms of their own.¹⁷ Extra grants were more likely to be received by colonists who lived on and 'improved' their grants, although most extra grants were received by former public servants, both civil and military. Patronage played some part in the awarding of extra grants, as did a reward system for the capture of Aborigines or bushrangers. Slack policing of land grant regulations also helped some acquire further property. Grants were not meant to be sold until a period of five years from the date of receipt; despite repeated violations, the government did not enforce this regulation with any degree of ardour until the end of the 1820s.¹⁸ Robson argues that probably half the land granted in Van Diemen's Land prior to 1830 'was obtained by evasion of the law', although he provides little detail to support this assertion.¹⁹ The prosperity of pastoralism and the poverty of agriculture

(see ch4) also contributed to the hierarchical pattern of ownership. Pastoralism generated wealth and required large properties for its successful practice. Some colonists either failed to apply themselves or suffered misfortune such as crop failure and were forced to borrow heavily or rely on credit. Many were thus forced to surrender their land to wealthier colonists.²⁰

The region's larger landholders were the major beneficiaries of the crown land leasing arrangements. Under this system, pastoralists practised transhumance, the grazing of stock on the highlands, well away from the more productive land, in the warmer part of the year.²¹ In practice the crown leasing system performed much the same function as the extra grants aspect of the grant system. As owners of large flocks and herds, large landholders received the great bulk of crown leases. The amount of land available under this system was not inconsiderable. In Westbury, 30% of all occupied land was crown leases, in Longford 42%, Evandale 12% and in Deloraine 44%.²² In 1858 twenty owners leased just under 50% of the 265,000 acres leased at that time. (Table 2.1)²³ Of the 43 leases in Longford as it was constituted in 1858, five were in excess of 9,000 acres and another seven in excess of 4,000 acres. George Bisdee, William Downie, William Gunn, James Pillinger and Robert Kermode, all Midlands graziers, were the five larger lessees. In Evandale, the Gibson and Murray families, both Midland's graziers, each leased in excess of 4,000 acres. Westbury had the widest distribution of crown leases at the time. Of the twenty leases, 14 were held by medium-sized farmers living in Westbury, not surprising given Westbury's greater suitability to mixed farming. (see ch4) Of the larger lessees in Westbury, John Field (one of William's four sons) of Deloraine leased 6,000 acres and Launceston lawyer W.D.Grubb 6,800 acres. The three largest landholders monopolised the land available in the Deloraine district. John Field, in addition to his 6,000 acres in Westbury, held 13,800 acres, William Archer IV 5,200, and Henry Reed 5,880 acres. Between them, the three controlled almost 25,000 acres, almost half the land held under crown lease. Two of John Field's brothers, not resident in the district, held a further 6,000 acres of crown lease in Deloraine. Although a very small number of lessees controlled almost half the crown land leases in 1858, in another sense the statistics under-estimate the extent to which the crown leasing system was an instrument for providing more land to graziers. In Deloraine in 1858, for example, twenty two men and one woman, all of whom were large land-

holders either in the Deloraine district or elsewhere in northern Tasmania, mainly Longford, controlled 98% of all crown land in private hands in Deloraine. The other 2%, constituting just under 1,000 acres, was held as subsistence lots by 13 lessees.²⁴

Patterns of ownership 1858-1901

Between 1858 and 1901 the Central North's occupied acreage, including crown leases, increased from just over 600,000 acres to 720,510 acres. (Table 2.2) By the late 1850s, probably earlier, the grant and leasing systems had produced an hierarchical land distribution pattern in the Central North, with owners ranging in size from the very large to the very small. Most of this land was controlled by a small percentage of the region's adult male population. Across the region a small group of land barons owned in excess of 10,000 acres each. Within each district were another group of owners, each owning between 5-10,000 acres; and another group each owning between 2-5,000 acres. This land monopoly, which featured a high degree family continuity, remained intact until redistribution began under the Closer Settlement Scheme early in the twentieth century. Change occurred to some extent in elite membership, especially at the 2-5,000 acre level, and as the outcome of several land alienation measures from 1858 onwards, measures designed to expand the numbers of independent yeoman farmers in the colony.²⁵

Table 2.2: Occupied acreages, Tasmania's Central North, 1858-1901

	1858	1881	1901
Longford	181,494	181,494	181,494
Westbury	132,257	181,401	187,190
Evandale	173,200	183,370	183,549
Deloraine	114,360	147,886	168,227
Central North	601,311	694,151	720,510

Source: Valuation Rolls, *HTG*, 1858, 1881 & 1901-2²⁶

In 1858, across the region, 26 individual owners, each owning 5,000 or more acres, controlled just under 250,000 acres (41.5%) of the total acreage privately occupied. (Table 2.3) Considered in terms of families, 22 families, each controlling more than 5,000 acres, controlled 44% of the privately occupied acreage.²⁷ When the group of elite owners is expanded to include all individual owners each owning more than 2,000 acres, 75 owners,



William Field, transported felon, very large landowner, cattle baron, merchant, and brewer. Field was one of the colony's wealthiest men in the period before 1850.



One of William's four sons, John Field was a major Deloraine landowner, landlord, cattle baron, racehorse breeder, and local justice of the peace.

representing 64 families, controlled 405,000 acres (67.5%) of the total privately occupied. By 1901 the actual acreage controlled by the elite across the region had increased marginally to almost 439,000 acres although the percentage of the whole dropped to 61%, reflecting the release of crown land under the Waste Lands Acts. The claim that an elite dominated land ownership is further substantiated when the number of elite owners is related to the number of adult males living in the region. In 1861, 4,680 males aged 20 years and over lived in the four districts.²⁸ The 26 individual owners who controlled 41.5% of the region's privately occupied land represented 0.5% of the adult male population aged 20 years and over; and the 75 owners controlling 67.5% of the acreage represented 1.6%.

Table 2.3: Concentration of Ownership, Tasmania's Central North, 1858-1901

<u>5,000 acres plus per individual owner</u>				
	<i>owners</i>	<i>acreage</i>	<i>% of total</i>	<i>av. acreage</i>
1858	26 (22)	249,508	41.5%	9,596
1881	29 (22)	227,996	40%	9,586
1901-2	29 (25)	300,204	41.5%	10,351
<u>5,000 acres plus per family</u>				
1858	22	264,431	44%	11,497
1881	27	336,876	48.5%	12,476
1901	28	342,680	47.5%	12,238
<u>2,000 acres plus per individual owner</u>				
1858	75 (64)	405,855	67.5%	5,411
1881	77 (56)	429,673	69%	5,580
1901	74 (60)	438,627	61%	5,927

Source: Calculated from Valuation Rolls, *HTG*, 1858, 1881 & 1901-2.

The regional picture suggests a strong continuity in the land ownership pattern at the elite level between 1858 and 1901. The group of individual owners owning more than 5,000 acres was the most stable of the three groups. The actual number of owners at that level increased only marginally, and the acreage they controlled increased by some 50,000 acres. Most importantly, though, the percentage of the total acreage they controlled changed little, hovering around 41% through the period. For families controlling 5-10,000 acres, marginal increases occurred in the numbers of owners, the acreages controlled, and the average acreage per owner; while over the period the group's percentage of the total acreage in private hands

increased from 44% in 1858 to 47.5% in 1901 — again a relatively static set of figures. For those controlling 2-5,000 acres, the percentage of the total acreage controlled decreased from 69% in 1881 to 61% in 1901. (Table 2.3)

Table 2.4: District ownership concentrations, Tasmania's Central North, 1858-1901, by 5,000 acres plus per owner

<u>Longford</u>				
	<i>n° owners</i>	<i>acreage</i>	<i>% of total</i>	<i>av. acreage</i>
1858	8 (6)	86,258	47.5%	10,782
1881	8 (5)	74,832	43%	9,354
1901	8 (6)	83,687	46%	10,460
<u>Westbury</u>				
1858	6 (6)	46,609	35.5%	7,768
1881	6 (6)	43,197	24%	7,199
1901	6 (6)	44,539	24%	7,423
<u>Evandale</u>				
1858	9 (7)	69,676	40%	7,741
1881	10 (6)	105,938	58%	10,593
1902	11 (9)	117,470	64%	10,679
<u>Deloraine</u>				
1858	3 (3)	46,965	41%	15,655
1881	5 (5)	54,029	36.5%	10,805
1901	4 (4)	54,508	32%	13,627

Source: Valuation Rolls, Hobart Town Gazette, 1858, 1881, 1901-2

The ownership profiles in each of the four districts show important differences between the more pastoral Longford and Evandale, and the more agricultural Deloraine and Westbury. (Table 2.4) At the end of the century, Longford more or less conformed with the regional profile, Evandale had a higher concentration of ownership than did the region, while both Deloraine and Westbury had less intense concentrations than the regional average. These generalisations apply to those controlling up to 10,000 acres. For those controlling 5-10,000 acres, the share decreased marginally in Longford from 47.5% to 46%. In Westbury the share decreased from 35.5% to 24% and from 41% to 32% in Deloraine. In Evandale the share increased dramatically from 40% to 64% because as the century progressed land degradation and depressed prices for agricultural produce made the district even less suitable for agriculture than it had been early in the century, forcing a shift to pastoralism. (see ch4) Through the period, the size of the 2-5,000 acre group changed little.

By 1901 the ownership profiles in Westbury and Deloraine, on the one hand, and Evandale and Longford on the other, had become significantly different. On a regional basis, the 2-5,000 acre club controlled 61% of all land in private hands in 1901. (Table 2.3) The Evandale elite (all owners above 2,000 acres), however, controlled 78.5% of its district's acreage, and the Longford elite 76%. In contrast, the Westbury elite controlled 47% and the Deloraine elite 40.5%. (Table 2.5) This contrast can be extended with a comparison between Longford and Deloraine. In 1858, the Longford elite controlled 21% more of the district's acreage than did the Deloraine elite; by 1901 this difference had widened to 36%, suggesting a wider spread of land ownership amongst Deloraine's population. These differences reflect the natural characteristics of each of the districts: the eastern half of the region was more suited to pastoralism and the western half to agriculture. Land use profiles, discussed in detail in Chapter 4, confirm this analysis.

While more of Deloraine was owned by yeoman farmers, or less of it by the elite, it hardly had a democratic ownership profile. Deloraine had the smallest elite, and easily the highest average acreage per elite owner. This is explained by the fact that in the 1820s, 30s and 40s William Field, William Archer III and Henry Reed squeezed out other large rather than small owners. In 1858 just three men, John Field, William Archer IV and Henry Reed, controlled 41% of the 114,000 acres in private hands. Rather than a quasi-democratic distribution pattern in Deloraine, a firmly entrenched hierarchy of land ownership was in place. In 1858, in addition to Field, Archer and Reed, a further six owners controlled another 26% of the privately occupied land, while a further 43 owners controlled the remaining 32.5%. These 52 owners represented 4.5% of the adult male population aged 20 years and over.²⁹ A similar pattern was in place in each of the other three districts. In 1871, 3.9% of Longford's workforce, including female domestic servants, were land owners; for Westbury the figure was 10%, for Evandale 4% and for Deloraine 6.3%.³⁰ Only amongst the lower levels of the local elites was there any significant movement through the remainder of the century. During the period, membership of the 5-10,000 acre group was subject to change and continuity. New members entered, old ones departed, some moved downwards to the 2-5,000 acre group, and some disappeared altogether.³¹

Only Westbury had fluid membership of its 5-10,000 acre group. No individual or family in Westbury controlling in excess of 5,000 acres in 1858 did so in 1901.³² Across the region, the 2-5,000 acre group was marked by similar change and continuity.

The most privileged group of freeholders was the land barons, those who owned in excess of 10,000 acres. The barons' holdings, all except one,

Table 2.5: District ownership concentrations, 1858-1901, per 2,000 acres plus, individual owners

Longford

	<i>n° owners</i>	<i>acreage</i>	<i>% of total</i>	<i>av. acreage</i>
1858	26 (21)	143,719	79%	5,527
1881	27 (16)	126,698	72%	4,692
1901	26 (16)	137,948	76%	5,305

Westbury

1858	17 (15)	85,479	64.5%	5,028
1881	18 (16)	86,139	47.5%	4,533
1901	19 (18)	88,431	47%	4,654

Evandale

1858	23 (21)	109,966	63.5%	4,781
1881	22 (15)	144,494	79%	6,567
1902	20 (17)	143,964	78.5%	7,198

Deloraine

1858	9 (7)	66,691	58%	7,410
1881	10 (9)	72,342	49%	7,234
1901	9 (9)	68,284	40%	7,587

Source: Valuation Rolls, *Hobart Town Gazette*, 1858, 1881, 1901-2.

originated as grants. Their business acumen as a group was greatly enhanced by contracts with the commissariat store and the demand for wool, and their success enabled them to expand their holdings by purchasing the properties of less successful farmers. Membership of the baron group was very stable. Descendants or executors of nine of the ten largest owners in 1858 still controlled, in 1901, most of the land held in 1858. Some controlled more. Only the Dry family ceased to figure, because Richard Dry junior died in 1869 without leaving an heir.³³ Five barons were based in Longford, two in each of Evandale and Deloraine, and the other in Westbury. By 1858, Longford's Thomas Archer had increased his initial 800 acre grant, which he named Woolmers, to 10,964 acres. Joseph Archer's initial 2,000 acre grant, which he called Panshanger, had increased in size to 4,900 acres; his overall

holdings totalled 16,380 acres. Brickenden's W.H.D. Archer, on the basis of his father's initial 2,000 acre grant,³⁴ had acquired several other properties including Saundridge and Palmerston, giving him a total of 12,805 acres in Longford. Between them the Archer boys owned almost 25 per cent of all the freehold land in Longford right through the nineteenth century.³⁵ William also owned the 14,330 acre Cheshunt estate in Deloraine, built from two grants totalling 5,000 acres and the purchase of several crown leases.³⁶ In addition to his 10,000 acre estate in Longford, expanded from an initial 1,000 acre grant on the Lake River and which he modestly called Connorville, former Land Commissioner Roderic O'Connor owned another 55,000 acres in the colony when he died in 1860.³⁷ William Lawrence and his brother Edward owned the 12,000 acre Cressy estate Formosa, all of it a grant, as well as some 16,000 acres in other parts of northern Tasmania.³⁸ By 1858 Evandale's James Cox had increased his initial grant of 6,000 acres, which he called Clarendon, to 18,727 acres by purchasing Strathmore, Sunnyside, Winburn and Whisloca, and inheriting Fernhill from his wife's estate.³⁹ Donald Cameron senior, recipient of an initial 1,000 acre grant on the Nile River which he called Fordon, bequeathed the estate, then 9,500 acres, to Donald junior in 1857. By 1881, young Donald owned more than 30,000 acres in Evandale.⁴⁰ The former Irish political prisoner and transported convict Richard Dry received several grants in the Westbury district totalling several thousand acres, which he called Quamby. When Dry died in 1843, his son, also Richard, inherited some 18,000 acres. By 1858, young Richard had increased his overall holdings to more than 30,000 acres.⁴¹ In Deloraine, Henry Reed had 13,554 acres in 1858; it is not clear if Reed received any land grants.⁴²

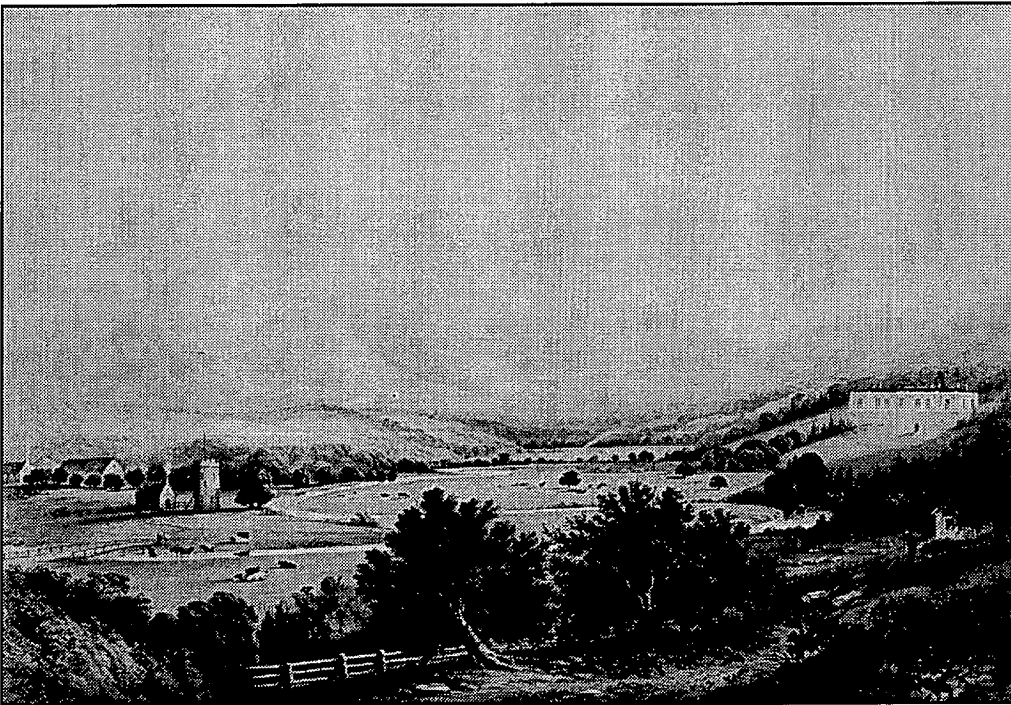
The tenth baron was John Field. The story of the Field family is little known and is worth briefly recounting here. John Field was the son of William Field, an ex-convict who built extensive land holdings, largely on the basis of contracts with the commissariat store. Typescript documents held in the Archives Office of Tasmania claim that Governor Arthur refused to provide Field with any grants, although Lands Department maps indicate he received numerous grants totalling several thousand acres. However he obtained his land, Field became an immensely wealthy landowner. A farmer by trade, he was convicted in London in 1800 and sentenced to 14 years transportation. He arrived in Van Diemen's Land in July 1806 and by 1814 had achieved his freedom by servitude. In time Field set up as a merchant, making money brokering the sale of wheat. He acquired large herds of cattle

and sheep from which he supplied the commissariat store with meat, and he was also a publican. Field thus managed to involve himself in all three major money-making activities in early Van Diemen's Land. He also became a shareholder in the Tamar Bank and a race horse breeder. Field, who described himself as a gentleman and brewer, claimed to be in possession of 'three thousand head of horned cattle, two thousand sheep and twenty three horses, together with cash in hand etc...to the amount of ten thousand pounds sterling'. Whether or not Field obtained his wealth legally is not clear. His reputation suggests his methods, like those of many others of the new rich, may not have been strictly legal. Arthur referred to him as 'formerly a convict of very infamous character'; the land commissioners described him as 'the notorious Field, The King of Rogues'. Reputation aside, no substantial charges were ever brought against Field, although between 1829 and 1833 he was convicted on several occasions for minor offences connected with his public house and the sale of meat.⁴³

So successful was William Field that when he died in December 1837 he left an estate reputedly worth 300,000 pounds. To each of his four sons he left a substantial property in the region. William inherited Enfield, at Bishopsbourne; Thomas received Westfield, at Westbury; to John he left Eastfield, at Cressy; and Charles took Woodfield, also at Cressy. The Field boys also inherited their father's appetite for land and his liking for unsupervised cattle grazing. In the 1850s Thomas Field's cattle ran wild at the north end of the Vale of Belvoir, near the Great Lake, and throughout much of the second half of the nineteenth century the brothers leased large holdings from the Van Diemen's Land Company's in the North West on which they also ran wild cattle.⁴⁴ John and Thomas took advantage of the crown land leasing arrangements to substantially boost their holdings. John in particular, a chip off the old block it seems, demonstrated considerable entrepreneurial flair, eventually acquiring more property than his three brothers combined. By 1858 John Field was the sole owner of some 12,000 acres in the Deloraine district, including Calstock and Alveston estates; by the time of his death at the end of the century, he owned 46 separate properties in the Deloraine district, in addition to two others in Longford, totalling some 18,000 acres. In 1901 the Field family owned some 34,000 acres across the region, as well as numerous commercial and residential properties in Launceston.⁴⁵



Group portrait of twelve people at 'The Brewery', October 1864. Those present include members of the Archer and Rooke families, both prominent landowners in the Longford district.



This view of Joseph Archer's Panshanger Estate in 1835, a lithograph after a painting by William Lyttleton, portrays colonial wealth and industry, and the fertile, low-lying Aboriginal hunting grounds so prized by the colonists.



Group portrait of twelve people at 'The Brewery', October 1864. Those present include members of the Archer and Rooke families, both prominent landowners in the Longford district.



This view of Joseph Archer's Panshanger Estate in 1835, a lithograph after a painting by William Lyttleton, portrays colonial wealth and industry, and the fertile, low-lying Aboriginal hunting grounds so prized by the colonists.

Waste Lands Acts

The economic depression of the early 1840s, in conjunction with the ongoing arrival of convicts, had significant social and demographic implications for Van Diemen's Land. In 1841 there were just under 34,000 free colonists in the colony but between 1840-47, some 14-16,000 free colonists left Van Diemen's land for the new beach-head at Port Phillip. Another 10,000 left during the exodus to the Victorian goldfields in the early 1850s. The only immigration of note in this period was the arrival of 15,000 convicts between 1840-44, making a total of some 30,000 convicts in the colony. Concerned colonists responded by establishing the anti-transportation league; the government, motivated also by the need to raise revenue, responded by seeking to make land more readily available. Through such measures the government hoped to attract 'an industrious class without capital to make a home on heavily timbered land'⁴⁶ as well as stemming the outward flow of those already in the colony. Underpinning the hope of attracting new colonists was a reliance on the strength of yeoman ideology. As Marilyn Lake has observed, the idea of establishing an independent yeomanry, or a class of small free holders, has a long history in the Australian colonies.⁴⁷ The ideal motivated Lachlan Macquarie's provision of small grants to emancipists in both New South Wales and Van Diemen's Land. The economic and demographic circumstances in Van Diemen's Land in the 1840s, and elsewhere in the Australian colonies, provided suitable conditions for the ideal to reclaim popularity. The result was a series of land alienation measures which, in the eastern half of the island, largely replaced the crown land leasing system. Most land released went largely, but not exclusively, in lots of less than 100 acres.⁴⁸

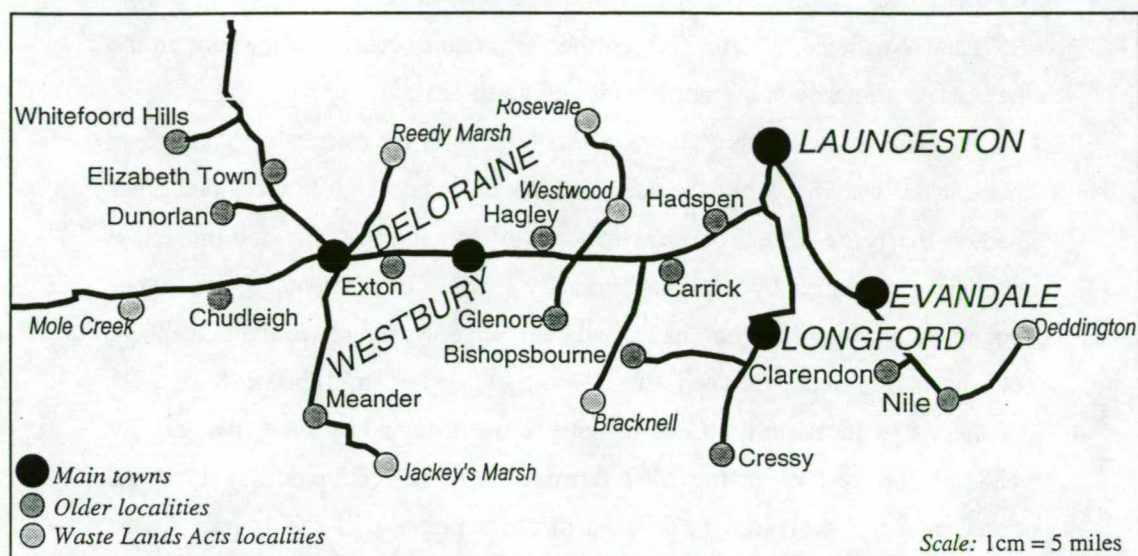
In the late 1840s the government offered anyone who purchased 100 acres the right to use ten times that amount for ten years. Much of this land was not used during the following ten years, resulting in the 'locking up' of some one million acres across the colony. The offending regulations were repealed in 1856. At the opening of parliament in 1857 the government declared its intention to make available waste lands as soon as possible, either to graziers or for sale in small lots on favourable conditions to those wanting to become bona fide cultivators. The growth of 'a small Proprietary Class in the country' would deliver social and industrial advantages, although the land should not be given too easily: any attempt to provide 'artificial stimulus' to land acquisition 'would assuredly be defeated by the operation of natural

causes'.⁴⁹ In the following year the Waste Lands Act of 1858 was passed. The Act divided the island into settled and unsettled regions, the settled regions being those east of a line drawn from South Cape, below Hobart, to Surrey Hills, below Burnie. In the settled regions, the measures provided for the auction of town, agricultural and pastoral land, but 320 acres at one pound per acre could be selected. In mountainous and timbered country, lots varying from 60 to 640 acres were available, provided certain improvements were made. But the absence of roads and the cost of constructing them, heavy repayments by the new selectors in the early years of their ownership, low prices for produce, the lack of labour, the incidence of fluke in the late 1860s and the general difficulties involved in creating agricultural land from heavily forested hillsides, together conspired to limit occupation rates. Easier terms offered under the Waste Lands Acts of 1863 and 1870 had little effect. The provision of roads failed to keep pace with the spread of alienation, and later in the century, authorities struggled to prevent dummying, land speculation and exploitation of timber by people interested only in a quick profit.⁵⁰ Unscrupulous money-lending was also a problem. One money-lender in the colony's north financed small selectors so they could meet the government's financial conditions, but the money was lent on several conditions of his own: the property had to be transferred to the money-lender as security, interest of 20% was payable, and the selector had to remain on the property and make improvements.⁵¹

Despite the problems encountered by selectors, the Valuation Rolls indicate most lots selected in the Central North were occupied. Precisely what occupied means, however, is not clear. The land released was hilly, forested land, some densely forested and some not, on the fringes of established agricultural and pastoral properties. Most of this land was located to the north and south of the corridor of colonised land which ran roughly adjacent to the Meander River. Localities such as Mole Creek and Jackey's Marsh, both south of Deloraine, Cluan and Liffey, south of Westbury, Christmas Hills and Reedy Marsh to the north of Deloraine, and Frankford, Selbourne and Westwood, to the north of Westbury, were created by the Waste Lands Acts. (see Map 5) Only near Mt Roland, in the far west of the Deloraine district where rainfall was heavy and the forests dense was there a significant absence of occupation.⁵² For many selectors, prosperity was elusive. No doubt many lived at subsistence level, engaged in a constant struggle with the sorts of problems mentioned above. In the Devon district, just to the west of Deloraine, many families in the 1860s depression had trouble doing any more

than feeding their families, putting in next year's crops, and keeping the storekeeper and Lands Department at Bay. In 1871-72, unable to afford even flour, tea and sugar, many were forced to live on potatoes.⁵³ Others managed to prosper; Simon Cubit's celebratory work on the Hows and Lees of Mole Creek suggests they did well, better certainly than the average selector.⁵⁴

Ernest and Selina Gillards' story illustrates what was a fairly typical experience for many small selectors. Ernest's parents George and Agnes Gillard occupied a 25 acre tenancy near Deloraine in the 1850s. Agnes and



Map 5: Localities and road map, Tasmania's Central North, showing the main town in each district, the older established localities, and the localities established after c1850, in the wake of the Waste Lands Acts.

George's third son, Jeffrey, was a small selector at Christmas Hills, just west of Deloraine township. Ernest and Selina bought some land from Jeffrey, probably in the 1870s or 80s, and cleared it with bullocks. Gradually the timber was pushed back from the family home, enabling Ernest to plant vegetables, run a goat and later a few cows. The small farm, however, was never able to support the family. Ernest worked on roads and larger farms to provide cash. The children helped with farm chores. After tree clearance, they collected rocks for fence building. In planting season the girls set seed potato and the boys followed up with bone dust; later they had responsibility for cutting down bracken plants which threatened to swamp the potatoes. The children also took the family's washing to their well, where they set up a fire to boil the clothes.⁵⁵ For the Gillards, the selection was an opportunity to engage in subsistence food production; the rudimentary lifestyle, however, at least had the potential psychological value of owning one's own place.

Despite the difficulties encountered, the Waste Lands Acts had a significant impact on the Central North's privately owned acreage. Between 1858 and 1901-2, the private acreage increased 20%, from 601,311 to 720,510 acres. (Table 2.2) As they were across the colony, many of the properties created in the Central North were small lots. Across the region, farm numbers⁵⁶ increased from 1,178 in 1858 to 2,007 in 1881; so farm numbers almost doubled while the acreage in private hands increased by around 20%. Further increases until 1901 were minimal. On a district by district basis, significant increases occurred only in Deloraine, from 372 to 957, and Westbury, 232 to 776. Further alienation occurred elsewhere in the new state, primarily in the north west and north east.⁵⁷

The Waste Lands Acts had some impact on the ownership patterns in place in the late 1850s, but they did nothing to threaten the hold landed elites had on the better land. The great majority of lots initially acquired under the acts were acquired by new owners. By 1881, the percentage of owner occupiers was much higher than it had been in 1858, and hence the percentage of tenants on privately owned estates was much lower. In 1858, 248, or 21% of the 1,178 farms in the Central North were occupied by their owners. By 1881, 1,268, or 63% of the 2007 farms were owner-occupied. By 1901 the percentage had decreased to 57%, a measure perhaps of the impact of the 1890s depression. Given that in 1881 there were around 1,200 actual owners, no more than 15% of the work force were property owners; little movement on that figure had occurred by 1901.⁵⁸ The net effect of the Waste Lands Acts was not to redistribute the better land on a more equitable basis, but swell the ranks of small landowners, most of whom struggled to survive.

One outcome of the operation of the Waste Lands Acts was that pockets of yeoman farmers were established away from the older colonised districts. In addition to the difficulties encountered creating viable farms on forested land, these people had to travel on poor roads to avail themselves of the services provided in towns such as Deloraine, Carrick and Westbury. Service centres were either not established in the new localities, or were minimal in scope. One way of dealing with this isolation was to congregate as families in particular localities. Several families acquired adjoining or nearby lots; two of particular note were the How and Lee families, both of whom selected land in the Mole Creek area in the 1880s. Through both initial selection and later acquisition (I suspect) the Hows increased their holdings to 3,242 acres by 1901, and the Lees to 1,165 acres.⁵⁹



A selector's farm on the upper slopes of the Great Western Tiers, 1901

While the Waste Lands Acts were meant to litter the countryside with independent yeomen, some existing large landholders acquired large acreages under the system. James Thirkell from Cressy selected a 4,000 acre run at Reedy Marsh, near Deloraine. Allan McKinnon, a Longford grazier, selected 1,900 acres at Osmaston, also near Deloraine. James Keane, also of Longford, selected a 1,400 run at Cluan, near Westbury, which he leased to Caleb Smith, a medium-sized landowner at Deloraine. The Foster family of Campbell Town acquired some 9,654 acres in the west of Deloraine municipality, much of which was leased in the form of 39 tenancies, under the post-1870 measures. The ability of large graziers from the eastern half of the Central North to acquire large acreages in the western half continued a pattern established early in the century, when graziers such as Thomas Archer and William Gibson colonised considerable portions of Pallitorre country. In 1901, Gibson's descendants still owned 2,894 acres at Dairy Plains, near Deloraine.⁶⁰

Closer settlement

Late in the century some opportunities did exist for new owners to join the still privileged ranks of the propertied, in situations where land clearance and initial establishment were not necessary. The hierarchical pattern of land ownership and the break-up of some tenanted estates meant that smaller, long-established properties were coming on the market.⁶¹ Some observers, however, felt more direct government intervention was needed. In 1894 the Surveyor-general for lands reported that too much of the best agricultural land was used for pastoralism, especially in the older settled districts such as the Central North where large holdings prevailed and convenient railway communication had been built. The 'industrious' settler was forced 'into the rougher back country to carve out a home for himself in the primeval forest'. The surveyor wondered 'whether a re-purchase of alienated lands would not prove a remunerative investment to the state and a permanent benefit to the people'.⁶² The surveyor was no doubt aware that New Zealand had legislated to establish a successful closer settlement scheme before any Australian colonies, and that Queensland followed in 1891 with a highly successful scheme in the colony's south. Successful schemes were also established in Western Australia in 1896, South Australia a year later, and New South Wales in 1900. A closer settlement scheme was not introduced in Tasmania until 1907, mainly because the Legislative Council

was still dominated by men who saw large landowners as their natural constituency.⁶³

Several factors contributed to the scheme's establishment in Tasmania. The difficulties involved in creating a prosperous yeomanry under the Waste Lands Acts, unemployment during the 1890s depression, and the incidence of urban larrikinism revived belief in the ideal of yeoman independence. Public meetings, newspapers and promoters such as Henry George pursued the question with great vigour. The practice of waste land settlement was challenged by the idea of re-settlement on existing estates. Land was emphasised as the basis of prosperity and the good life, and village settlement plans were mooted. The Irish land question was cited by agitators seeking to dismember large estates and cauterise the power of large proprietors. The emerging labour movement also embraced the idea of land reform as one solution to unemployment.⁶⁴ The initial implementation of the Closer Settlement Scheme in Tasmania, however, was not as successful as its promoters had hoped.

Some large landowners, or so it seems, spotted the opportunity to unload useless property for a remarkably good price. In this they were aided by the Closer Settlement Board's incompetence. The first estate offered to the Board for repurchase was Cheshunt. Every man and his dog in the Deloraine district, including its owner F.J. Bowman, knew that for half the year the place was a swamp, that its soils were poor, and that heavy frosts rendered grain cropping a hazardous business.⁶⁵ In fact, it would have been difficult to find a more unsuitable property for Closer Settlement in the Deloraine district. Prior to the inspection, the Board decided it was unnecessary to engage a specialist to report on the property, preferring instead 'to personally inspect it and rely upon the combined judgement of its members'. This was but one of a number of decisions suggestive of administrative incompetence. The Board inspected the estate in January 1907 and was attracted to its apparent suitability for closer settlement by the availability of water. The estate had a nine mile frontage on the Meander River, four miles on Western Creek and three miles on an artificial irrigation channel which William Archer had constructed in the mid-nineteenth century.⁶⁶ While recognising that abundant water would enhance the estate's agricultural potential, the Board failed to fully realise the dangers. The Board recognised that much of the estate was low-lying but nevertheless 'unanimously agreed to recommend the purchase of nearly the whole estate'. Subsequently 13,397 acres were purchased; 1,484 acres were set aside for settlers' use for fencing and building purposes, and

the remainder subdivided into 65 farms. Since a large proportion of the estate was low-lying, 'care was observed in subdividing to include as far as possible some rising ground on every farm'.⁶⁷ Of the 61 farmers who took up farms, 34 came from the Central North, 22 from elsewhere in Tasmania, and the remaining five from New Zealand and Victoria.⁶⁸

The Board was optimistic about the future. It felt the Cheshunt lessees were 'men of the right stamp' who would 'successfully carry out the principles of closer settlement'. As were land grantees in the early decades of the nineteenth century, the Cheshunt tenants were given considerable government assistance. Farm boundaries were fenced, roads were formed and built, and the course of Western Creek, which bordered four miles of the estate's north western portion, was diverted to minimise flooding. Favourable terms were offered to settlers for the purchase of existing buildings. The Board's vision for Cheshunt included a local township which 'would prove the most beneficial to the progress of the district and the convenience of the people'. To realise this vision, 114 acres were surveyed into town allotments to meet local requirements and for accommodation for the settlers. Provision was also made for a school, a cemetery and recreation reserves. By 1910, however, drainage problems were largely responsible for less than half the farms being occupied. The purchase price paid also casts some doubt on the Board's competence. The Board paid 48,000 pounds for the portion of the estate acquired, but subdivision into 65 farms made little difference to the estate's overall value. The 10,401 acres leased in the first year was valued at just 13 pounds less than the purchase cost. Its rental value was just under 2,000 pounds per year. The real beneficiaries were the former owners. In addition to the purchase price, the Bowmans retained the best 3,000 acres valued at almost 18,000 pounds.⁶⁹

A 1910 Select Committee, established to inquire into the scheme's apparent failure, reported that 134 farmers had settled on the 34,441 acres purchased. The average farm was 257 acres, but poor choices of estates, excessively high repurchase prices and dummyming limited the scheme's effectiveness.⁷⁰ Most closer settlers became struggling state tenants, their properties unable to furnish them with the earnings needed to pay their way, let alone buy their farms from the state.⁷¹ Following the lead of several mainland states, where the success of the scheme led to demands for compulsory means of acquiring suitable land,⁷² the Tasmanian Select Committee Report successfully recommended the power of compulsory acquisition. Subsequently, extensive portions of several premier estates in the

Central North were compulsorily acquired. In 1914, 7,864 acres of the Lawrence family's Formosa estate was acquired, as were large sections of Woolmers and Clarendon.⁷³ But as much as satisfying a hunger for yeoman land, the Closer Settlement Scheme in Tasmania was an instrument for waging an ideological battle against landed privilege. For much of the nineteenth century landed privilege had relegated aspiring yeomen to poorly equipped tenancies (see ch3) or to marginal lands where the possibilities for prosperity were slender. Until better lands were compulsorily acquired, the Closer Settlement Scheme produced a similar outcome.⁷⁴

Conclusion

The guiding ideology of land disposal policies in the early land grant period and in the era of Closer Settlement was yeoman independence. In the intervening decades, landed privilege reigned supreme. A small elite of owners gained and retained control of the better agricultural and pastoral land in Tasmania's Central North throughout the nineteenth century. This land monopoly began on the basis of the second phase of the land grant process and the crown land leasing schemes pursued early in the century. The monopoly was consolidated by the prosperity of pastoralism and the acquisitive business acumen of the region's land barons. The Waste Lands Acts of the second half of the century, while locating small selectors on marginal forest land, had virtually no impact on the ability of large landowners to monopolise control of the region's productive land. In the late nineteenth and early twentieth centuries, land reformers citing the ideology of yeoman independence set out to destroy landed privilege. The outcome was the Closer Settlement Scheme, sanctioned by an act of parliament in 1907, which, after tentative beginnings, facilitated the compulsory acquisition of large estates for redistribution to yeoman farmers.

Notes

¹ McKay, *Land Commissioners' Journals*, p77

² Reynolds, 'Tasmanian gentry', pp 63-4

³ Census abstracts, ST, 1871

⁴ Morgan, *Land Settlement*, pp 10-13

⁵ in Isabella Mead, 'Norfolk Islanders in Norfolk Plains', *P&P*, THRA. vol 12/2. 1964. p61

⁶ Morgan, *Land Settlement*, pp 13-15; and see Mead, 'Norfolk Islanders in Norfolk Plains', pp 56-71

⁷ Morgan, *Land Settlement*, p16

⁸ Morgan, *Land Settlement*, p16

⁹ Morgan, *Land Settlement* pp 10, 19

¹⁰ Reynolds, 'Tasmanian Gentry', p62

- ¹¹ Cubit, 'Squatters and opportunists' p10; Skemp, *History of Deloraine*, pp 11-13
- ¹² Morgan, *Land Settlement*, p19; Field papers, 71/227, AOT; *Daily Telegraph*, 21 October 1893
- ¹³ Reynolds, 'Tasmanian Gentry', pp 61-2
- ¹⁴ Morgan, *Land Settlement*, pp 25-8, 31
- ¹⁵ G.H.Crawford, W.F.Ellis, & G.H.Stancombe, (eds), *The Diaries of John Helder Wedge 1824-35*, Hobart: Royal Society of Tasmania, 1962, p xxxvii; W.E.Lawrence and his brother E.B.Lawrence between them received 12,000 acres at Cressy, which they called Formosa, with 2,000 acres more held in reserve for the former's son. See *ADB*, vol 2, 1788-1850, 1966, pp 93-95
- ¹⁶ Morgan, *Land Settlement*, pp 9, 32
- ¹⁷ Crawford et al. *Wedge Diaries*, p xxxvii
- ¹⁸ Morgan, *Land Settlement*, pp 34, 8
- ¹⁹ Robson, *History of Tasmania*, vol 1, p119
- ²⁰ *Historical Records of Australia*, ser III, vol V, p 703; Mead, 'Norfolk Islanders in Norfolk Plains', pp 64-70
- ²¹ Tim Jetson, *The Roof of Tasmania: a History of the Central Plateau*, Launceston: Pelion Press, 1989, ch5
- ²² Calculated from Valuation Rolls, *HTG*, 1858
- ²³ The figure for Longford is higher than the rest because it includes what later became the municipality of South Longford, effectively in 1858 an enormous sheep run for Midland's graziers.
- ²⁴ Valuation Rolls, *HTG*, 1858
- ²⁵ Valuation Rolls, *HTG*, 1858, 1881, 1901
- ²⁶ There are problems calculating figures for Longford, due to the creation of South Longford sometime between 1881 and 1891. (Popn summary, 1901 census) The Valuation Rolls for both 1858 and 1881 contained properties later located in South Longford. Given the minimal increase in Evandale, and the likelihood of a similar minimal increase in alienated land in Longford after 1858, I have applied the Valuation Roll figure for 1901 for both 1858 and 1881, producing a likely under-estimation of the degree of ownership concentration in the two earlier years.
- ²⁷ The acreage for families is higher because some owners owned other small acreages, sometimes less than 1,000 acres.
- ²⁸ Calculated from Census Abstracts, *ST*, 1861
- ²⁹ Shayne Breen, 'Land & power in the district of Deloraine, 1825-75', *Papers & Proceedings*, THRA, vol 37/1, March 1990, p28
- ³⁰ Census abstract, *ST*, 1871
- ³¹ In Longford, William Gibson had entered the 5-10,000 acre group by 1881, although by 1901 he had been relegated to the lower group. James Thirkell had acquired in excess of 5,000 acres by 1881 and by 1901 owned 16,021 acres. In Evandale, members of the Youl and Ralston families had joined the 5-10,000 acre group in 1881 and remained there in 1901. Members of the Falkiner family had entered the 2-5,000 acre group by 1881 and graduated to the 5-10,000 acre group by 1901. In Deloraine William Archer IV was replaced by Frederick Bowman in the 10,000 acre-plus group in 1873, and by 1901 the Foster family of Campbelltown had acquired almost 10,000 acres in an area released under the Waste Lands Acts.
- ³² Two landowners controlling in excess of 5,000 acres in 1881 continued to do so in 1901. Mrs Brookes of Launceston increased her acreage from 6,234 in 1881 to 13,629 in 1901, most of it in an area alienated under the Waste Lands Acts. Allan McKinnon of Longford joined the 5,000 acre club in 1881 by virtue of his 5,824 acres, a holding still under his control in 1901.
- ³³ Valuation Roll, *HTG*, 1901-2
- ³⁴ entry on Brickenden, in Australia's National Trusts, *Historic Homesteads*, Canberra: Australian Council of National Trusts, 1969, reprinted 1976, p65
- ³⁵ See entries on Thomas Archer, *ADB*, vol 1, pp 25-26; Joseph Archer, vol 1, pp 24-25; and William Archer, vol III, pp 40-41; Valuation Rolls, *HTG*, 1858
- ³⁶ William Archer Diaries, A 7/2(1), 1847-54, University of Tasmania Archives
- ³⁷ Entry on Roderic O'Connor, *ADB*, vol 2, 1788-1850, pp 296-97; Valuation Rolls, *HTG*, 1858
- ³⁸ Valuation Rolls, *HTG*, 1858
- ³⁹ Entry on Clarendon, *Historic Homesteads*, pp 94-99; entry on James Cox, *ADB*, vol I, 1788-1850, pp 256-57; Valuation Roll, *HTG*, 1858
- ⁴⁰ Entry on Donald Cameron Snr, *ADB*, vol 3, 1851-1890, 1969, pp 336-37; Valuation Roll, *HTG*, 1858
- ⁴¹ Entry on Quamby, *Historic Homesteads*, p294, p333; entry on Richard Dry Jnr, *ADB*, vol 1, 1788-1850, pp 329-30

- ⁴² Valuation Roll, *HTG*, 1858; Hudson Fysh, *Henry Reed: Van Diemen's Land Pioneer*, Hobart: Cat & Fiddle Press, 1973, p91
- ⁴³ Field papers, *AOT*, 71/227; Robson, *History of Tasmania*, vol 1, pp 74, 196, 198, 308
- ⁴⁴ Field papers, *AOT*, 71/227; Robson, *History of Tasmania*, vol 2, p27
- ⁴⁵ Valuation Roll, *HTG*, 1858, 1901
- ⁴⁶ Robson, *Short History*, p51; Robson, *History of Tasmania*, vol 1, p485
- ⁴⁷ Marilyn Lake, *Limits of Hope*, Melbourne: Oxford University Press, 1987, pp 11-14. See also T.H. Irving, '1850-1870', in Frank Crowley (ed), *A New History of Australia*, Melbourne: Heinemann, 1974, p156, for a discussion of the agrarian myth and the mid-century Selection Acts.
- ⁴⁸ Stephen H. Roberts, *History of Australian Land Settlement 1788-1920*, Macmillan, 1924, reprinted New York: Johnson Reprint Corporation, 1968
- p 297, 294; Select Committee Report into the Waste Lands Bill, *HAI* no67 1856; Progress Report of Select Committee on Waste Lands Act, *HAI* no161 1861; Report of Select Committee on Waste Lands Bill, *HAI* no64 1863; *Mercury*, 30 August 1869; Robson, *History of Tasmania*, vol 2; Scott, 'Land Settlement', in Davies, *Atlas of Tasmania*, pp 43-44
- ⁴⁹ Governor's address opening the session of Parliament, *HAI* no1 1857
- ⁵⁰ Roberts, *Australian Land Settlement*, pp 293-94, 335; Stokes, *North-West Tasmania 1858-1910: the establishment of an agricultural community*, Phd Thesis, Canberra: Australian National University, 1969, pp 47-52, 62-63, 68, agrees speculators bought much of the available land in Tasmania's North West. 1858, Waste Lands Act, 21Vic/33; 1863, Waste Lands Act, 27Vic/22; 1870, Waste Lands Act, 34Vic/10
- ⁵¹ Robson, *History of Tasmania*, vol 2, p29
- ⁵² Valuation Rolls, *HTG*, 1881, 1901
- ⁵³ H.J.W. Stokes, *North-West Tasmania*, pp 57, 72
- ⁵⁴ See Simon Cubit, *Snarers and Cattlemen of the Mersey High Country: the Lees of Lee's paddock*, Launceston: Regal Press, 1987
- ⁵⁵ J.J.Gillard, *Thick on the Ground*, Melbourne: J.J.Gillard, 1978, p127; the Agricultural Collector's report for Port Sorrell, *ST*, 1871, provides graphic description of the lot of small selectors. Port Sorell is some 30 miles northwest of Deloraine. See also Stokes, *North-West Tasmania*, p72
- ⁵⁶ I call them farms because the numbers include tenancies, which were not separate properties, freehold properties occupied by owners, and selections under the Waste Lands Acts.
- ⁵⁷ Valuation Rolls, *HTG*, 1881, 1901; Scott, 'Land Settlement', in Davies, *Atlas of Tasmania*, pp 43-44; see Table 3.1, located in Chapter 3 because its primary purpose is to illustrate the incidence of tenantry; see Land use/sales charts, *ST*, 1901
- ⁵⁸ Valuation Rolls, *HTG*, 1858, 1881, 1901-2; see Table 3.1
- ⁵⁹ Valuation Rolls, *HTG*, 1858, 1881, 1901-2
- ⁶⁰ Valuation Rolls, *HTG*, 1858, 1881, 1901-2
- ⁶¹ See *Cyclopedia of Tasmania: An Epitome of Progress, Volumes I and II*, Hobart: Maitland & Krone, 1900, pp 167-69
- ⁶² Report of Surveyor-General and Secretary for Lands. 1894, *LCJ* no39 1895
- ⁶³ Roberts, *Australian Land Settlement*, pp 359-60; Royal Commission into Lands Department transactions with Certain Persons, *LCJ* no10 1910; Robson, *History of Tasmania*, vol 2, pp 264-65; Closer Settlement Act, 1906
- ⁶⁴ Robson, *History of Tasmania*, vol 2, pp 185-88
- ⁶⁵ Closer Settlement: Report of the Select Committee, *LCJ* no18 1909, pp53-7, 92-4
- ⁶⁶ Discussed in ch8
- ⁶⁷ CSS Report, *LCJ* no15 1907
- ⁶⁸ CSS Select Committee Report, p12
- ⁶⁹ CSS Report, *LCJ* no15 1907, no20 1910
- ⁷⁰ CSS Report, *LCJ* no20 1910; see also the *Examiner*, 26 June 1909 for criticism of selections.
- ⁷¹ *Examiner*, 12 September 1912
- ⁷² Roberts, *Australian Land Settlement*, pp 359-60
- ⁷³ Robson, *History of Tasmania*, vol 2, p265; CSS Report, *LCJ* 1914
- ⁷⁴ The early closer settlement experiments might have been more successful had the Board taken advantage of the expertise of the government's own agricultural advisers. or indeed of local farmers who later gave evidence to the Inquiry. For a discussion of agricultural improvement, see ch6.

Chapter 3

AGRICULTURAL TENANTRY

small farms, uncertain tenure & privileged landlords

who would have thought that such a revolution could have taken place in such a short period of time – the home of the blackman thus to be broken up – the waddy and the spear to give way that the Teutonic race may bring the plough and reaping machine into operation.¹

In England one function of landed elites was to establish tenanted estates. The tenanted estate met the landlords' social obligation to provide working farms and a community focus for tenant farmers, their families and local workers.² In Tasmania's Central North tenanted estates were established on an extensive scale. Most of the region's agricultural land was located on these estates and farmed by tenants. As the visiting Irish botanist W.H. Harvey noted in 1855, much less land in the Central North was owned by small farmers than in North America.³ Landlords' motivations for establishing tenanted estates in Tasmania were not always influenced by the social obligations which characterised tenantry in England. Customary obligations and rewards no doubt played a large part, but the distinction between social obligation and outright exploitation was often blurred. Some landlords were generous but many were not. Many tenancies were very small and often landlords provided little assistance in the expensive matter of establishing a working farm. Tenant farmers sought tenancies largely because freehold land was unavailable; most of the best land, as the previous chapter demonstrates, was held by landed elites. Many tenants remained tenants for much of their working lives. Through their labour and their rents, tenants directly contributed to the landlords' prosperity and hence their power. The power to both determine the size of farms and the legal and economic frameworks within which tenantry operated rested largely with landlords because of the influence of landed proprietors in the colonial parliament.⁴

The story of agricultural tenantry in colonial Australia has been largely untold. The only work of which I am aware which deals substantially with tenantry is Alan Atkinson's study of Camden.⁵ Atkinson's study differs from this in that he examined tenantry on one large estate consisting of 164 tenancies with occasional references to a smaller neighbouring estate. This study examines tenantry across the Central North of Tasmania, where in the

second half of the nineteenth century tenancy numbers ranged between 674 and 836. (see Table 3.2) The two studies differ also in that each draws on different kinds of sources. Atkinson used the Macarthur papers and estate ledger books, and he examined church registers and the like; in this study, valuation rolls, newspapers, parliamentary debates and relevant legislation are the major sources. Given the incidence of tenantry and its importance in the local agricultural economy, the story of tenantry cannot be confined to one chapter. Although the bulk of the story that I am able tell is told in this chapter, subsequent chapters in this part of the thesis embellish that story.

Tenantry: the early years

In their travels across the colony's occupied districts in the late 1820s, the land commissioners observed that the life of an owner-occupier was preferable to that of 'that class of people who are hard working, industrious Tenants at home, but...[found]...that all their labor and industry went to supply their Landlord, their Clergymen, and their Poor'.⁶ No doubt many colonists agreed with the land commissioners' sentiments; yeoman independence was a common aspiration motivating many intending colonial farmers. But since most of the arable land had been granted by 1830, tenantry was the major option for the bulk of aspiring farmers, at least until the Waste Lands Acts of the 1860s and 1870s. Valuation Rolls were not published until the late 1850s, and so it is difficult to tell when tenantry use became extensive, although the passage of an Act in 1843⁷ for regulating disputes relating to rental arrears suggest tenantry was common by the early 1840s. In the early years of occupation, many landowners installed stock-keepers or shepherds on their grants to tend cattle and sheep. Many saw themselves not as hands-on farmers but as absentee landowners pursuing mercantile or political careers in other places. After 1830, leasing to tenants became a more feasible possibility. Persistent threats from Aborigines and bushrangers had greatly diminished, and the arrival of new colonists from middle class backgrounds with moderate wealth seeking land and opportunity provided a willing clientele. In 1832 in Deloraine, for example, A.F. Rooke leased 1000 acres at the Retreat, Deloraine, from the lawyer Gamaliel Butler, a Hobart-based beneficiary of Arthur's land grant patronage.⁸ When he returned to England in 1847, Henry Reed's estate at Wesley Dale, also near Deloraine, was leased to tenant farmers. The size of Reed's tenancies ranged from 20 to 1,500 acres.⁹ Willingly or not, many colonists accepted tenancies when they would

have preferred their own land. The emergence of tenantry can thus be seen as a local adaptation, even a fusing, of the English traditions of yeomanry and tenantry to the land ownership patterns already in place.

The early development of tenantry prompted internal migration within the Central North. In the early 1840s 'many of the farmers from down country migrated to the westward [from Longford to Deloraine], where the grain growing capabilities of the land were at the time claiming the attention of those who took an interest in agricultural pursuits'. Daniel and Elizabeth Griffen, for example, arrived in Launceston in 1837 from Shannon-golden, County Limerick. The Griffen's farmed briefly at Cocked Hat, near Evandale before moving to Dunorlan in the early 1840s. There they leased 800 acres of the Dunorlan estate from then owner Captain Moriarty. Tenants were attracted to the Deloraine district by the productive flexibility afforded by the fertile, well-watered soil and the opportunities to lease or buy.¹⁰ Some smaller tenants began life in Tasmania as assisted labourers. The experience of George Gillard and his family provides one example of the life chances which awaited assisted labourers and their children who arrived in the 1840s. Arriving at Launceston in 1842 with his wife Agnes and their three daughters, George worked for three years as a contract labourer for Captain Crear of Clyne Vale, Epping Forest, Longford, before moving to Deloraine in 1845. On arrival in Deloraine, George worked on Lieutenant Pearson-Foote's Calstock estate, later owned by John Field. After living for a time on Charles Field's Whitefoord Hills estate, west of Deloraine, the Gillards took up a 25 acre tenancy on Sarah Munce's Drumreagh estate, just east of Deloraine township. George died in 1858, aged 49. The Gillards had a large number of children, several of whom died in infancy in the 1840s and 50s. Daughters Louisa and Lydia married young, Louisa at 15 and Lydia aged 13.¹¹

Tenant farmers came from England, Ireland and Scotland. Determining the precise incidence of each nationality in the Central North is not possible since relevant statistics are not available. We do know that in 1882, of 58,245 people aged 20 and over then living in the colony, 16,428 (28%) were English, 7,126 (12%) were Irish, and 3,687 (6%) were Scottish.¹² These figures suggest the ratio of English, Irish and Scots was something of the order of 4:2:1, although the nationalities were not spread evenly across the colony. The Irish tended to congregate in particular localities; in the Central North, Westbury and Deloraine were two such places. In the 1850s, Irish exile John Mitchel observed that Westbury was

'chiefly inhabited by Irish immigrants'. Mitchel noted that 'One of the peculiarities of the Westbury district is that you find Irish families, and whole Irish neighbourhoods, associating together and seldom meeting foreigners; for even the assigned convict-servants whom these people select are all Irish. Thus they preserve, even the second generation, Irish ways and strong Irish accents'. A similar tendency amongst the Irish to congregate occurred in New South Wales. In the Central North it is likely local prejudice against the Irish, especially in religious matters, contributed to this tendency to segregation.¹³

Table 3.1: Regional religious composition 1860 and 1870

	Ch of Eng	Ch of Rome	Ch of Scot	Weslyan	Total*
1860	7,198 (56%)	3,223 (25%)	1,176 (9%)	1,333 (10%)	12,930
1870	8,021 (54%)	3,897 (26%)	1,214 (8%)	1,754 (12%)	14,886

Source: Census Abstracts, ST, 1861, 1871.

* Approximate totals of those indicating religious denomination

Mitchel's observations are confirmed by the distribution of religious affiliation, church records and census returns. Assuming that religious affiliation was an accurate indication of nationality, the English outnumbered the Irish by two to one. In the Central North one in four people were Catholics, and therefore in all likelihood Irish. District figures for religious denominations confirm large Catholic populations in Westbury especially and Deloraine in 1860 and 1870. In both years just over 75% of the Central North's Catholics lived in Westbury and Deloraine, around 2,500 in 1860 and 3,000 in 1870. Westbury had twice as many Catholics as Deloraine, around 1,600 in 1860 and 2,004 in 1870. Baptism and marriage registers for the Westbury-Deloraine parish between 1851-64 show large concentrations of Catholics, some 55% of the total, around the two main towns. Smaller clusters could be found at Perth, Bishopsbourne, Selbourne and Carrick, in the eastern half of the region, and at Cluan, Exton, Reedy Marsh and Whitefoord Hills in the west.¹⁴

In the 1850s and 60s a small number of these Irish immigrants took up tenancies. Southerwood's examination of 255 marriage returns covering Westbury and Deloraine for the period 1851-64, covering a total of 510 people, shows that 71 were farmers, the vast majority almost certainly tenant farmers. Only 3 of the 225 men were listed as gentlemen.¹⁵ In 1858, of 770 tenancies across the region, Westbury and Deloraine together accounted for

413. (see Tables 3.2 & 3.3) Given that some may not have married, at least 17% (71 of the 413) of tenant farmers in the combined districts were Irish. The majority, of course, were English. In Longford and Evandale, if religion is a reliable guide to nationality, the overwhelming majority were English. The great majority of these Irish nationals were free or assisted colonists. According to Southerwood's examination of baptism, marriage and death registers, only 22% of the Catholic parishoners in the Westbury parish between 1850 and 1855 admitted to being transported to the colony.¹⁶

While famine no doubt induced some to emigrate, Westbury attracted at least one dispossessed Irish tenant farmer, a 'respectable...intelligent well-informed man' called O'Keefe. O'Keefe came to Tasmania 'after Lord Hawarden's great extermination of tenantry in Tipperary'. O'Keefe, whose neighbours had been warned not to shelter him or his family, watched while his house in Tipperary was pulled down. He emigrated with the assistance of friends, hated the British aristocracy and government with 'a holy hatred', and in Tasmania, along with a good number of Westbury people, defied the law and assisted the Irish rebels Meagher and John Mitchel, Meagher on his 'excursions' and Mitchel in his escape from the island.¹⁷

Incidence and patterns of tenantry 1858-1900

By the late 1850s tenantry was well established in the Central North; its incidence, extent and patterns remained relatively stable until at least the end of the century. The number of tenancies in the Central North decreased from 770 in 1858 to 674 in 1881, but had increased to 836 in 1901. (Table 3.2) The lower figure in 1881 probably reflects the 1856-75 depression.¹⁸ The increase from 674 in 1881 to 836 in 1901 is probably an outcome of the operation of the Waste Land Acts, some land released under those Acts becoming available for lease as tenancies after 1880. In relation to the total

Table 3.2: Regional farm management 1858-1901

	farms*	owner occpd	tenancies	crown leases	empty
1858	1178	248/21%	770/65%	160/13%	-
1881	2007	1268/63%	674/33%	-	65/3%
1901	2275	1309/57%	836/37%	-	130/6%

Source: Calculated from Valuation Rolls. *HTG*, 1858, 1881 and 1901-2.*
 Farms are identified rural acreages 10 acres or more in size. They include tenancies as well as owner-occupied properties. The rolls were organised alphabetically, not divided according to town and country.

number of farms, the percentage of tenancies decreased markedly during the second half of the century. In 1858, two of every three farms across the region was a tenancy. This ratio had reduced to one in three by 1881 and remained at that level in 1901. (see Table 3.2) Clearly, many land owners across the region saw tenancy as an attractive way of managing their properties. This regional picture was reflected in each of the four districts. In terms of numbers of tenancies, Deloraine was the major tenancy district. Over the period, tenantry became less popular in Longford and especially Evandale, but more popular in Westbury and Deloraine. Westbury increased its number of tenancies by ninety two and Deloraine by 112; one hundred and five tenancies in Evandale disappeared and Longford lost 35. (Table 3.3)

Table 3.3: District property management 1858-1901

	farms	owner occpd	tenancies	crown leases	empty
DELORAINÉ					
1858	372	51/14%	245/66%	76/20%	-
1881	750	488/65%	203/27%	-	59/8%
1901	957	506/53%	357/37%	-	94/10%
WESTBURY					
1858	232	44/19%	168/72%	20/9%	-
1881	718	462/64%	250/39%	-	6
1901	776	482/62%	262/34%	-	32/4%
EVANDALE					
1858	257	51/20%	185/72%	21/8%	-
1881	247	137/55%	110/44%	-	-
1902*	217	135/62%	80/37%	-	2
LONGFORD					
1858	317	102/32%	172/54%	43/14%	-
1881	292	181/62%	111/38%	-	-
1901	325	186/57%	137/42%	-	2

Source: Calculated from Valuation Rolls, *HTG*, 1858, 1881 and 1901-2.

* Evandale Valuation Roll for 1901 was not available.

Throughout the second half of the nineteenth century, then, an extensive regional tenantry coexisted with a hierarchical pattern of land ownership. Most, but not all tenancies belonged to an estate, or a cluster of tenancies. Many of these estates consisted of only a few tenancies, in many cases less than five. But across the region in 1858 there were at least 24 landlords, each with seven or more tenants controlling at least 35 estates.

These 24 landlords accounted for 378 tenancies, or 49% of tenancies in the region. Of the 24 landlords, 11 owned estates in Deloraine, six in Longford, six in Westbury and four in Evandale. Three landlords, T.T.Parker and Charles Field, both from Longford, and Thomas Field, from Westbury, each operated more than six tenancies in two districts. Of the estates, only one, in Evandale, consisted of a collection of properties which did not occur as a cluster. The analysis of incidence and patterns of tenantry below is based on these 35 estates. (Table 3.4)

In terms of size, three categories of tenancies can be discerned. Some, those under 100 acres, I will call subsistence tenancies; those between 100 and 500 acres, yeoman tenancies; and those over 500 acres, grazing tenancies.¹⁹ It is of course arbitrary to claim that a property of 95 acres is capable only of producing a subsistence lifestyle, and a property of 105 acres capable of producing a yeoman lifestyle. Factors such as location, climate, the availability of water, soil quality, the extent of arable land on a holding, and the farmer's skill and luck, not to mention market demand and prices, all affected the profitability of a particular tenancy. Certainly those farmers forced to rely, or who chose to rely on grain growing and/or meat production found prosperity elusive. Given that wool growing was the only consistently profitable farming activity through the century (see Ch4), I suspect that most farmers who made a decent living, large enough to induce the regular expectation of prosperity and perhaps engender the prospect of purchasing a farm at a later date, were those able to engage in small scale sheep grazing for wool production. Farmers with less than 200 acres would find this very difficult. Of the 378 tenancies controlled by the 24 largest landlords, 151, or 40%, were subsistence tenancies, 195, or 52%, were yeoman tenancies, and the remaining 32, or 8%, were grazing tenancies. Many landlords, perhaps conscious of moral economy, were therefore willing to provide yeoman tenancies, although many were prepared to limit their tenants to subsistence lifestyles. This is even more so since 79 (50%) of the 151 subsistence tenancies were 50 acres or less.²⁰

Most landlords maintained all three categories of tenancy. In Evandale, for example, eight of James Cox's 24 tenancies were under 100 acres, ten were yeoman tenancies and the remaining six were grazing tenancies. Of the 23 tenancies on the Bishopsbourne and Little Hampton estates in Longford, owned by the Church of England, eight were subsistence tenancies, 14 yeoman tenancies, and the remaining one a grazing tenancy.

Some estates had more subsistence tenancies, others had more yeoman tenancies - there were no strict rules or practices governing the division of property into tenancies, except that only a small number of estates had grazing tenancies.²¹

Table 3.4: Twenty four largest landlords, CN Tasmania, 1858

Landlord	Estate	tenancies
DELORAINÉ		
Henry Reed	Dunorlan/Wesley Vale	32
A.F.Rooke	Bengeo/Un-named	25
T.K.Archer	Bengeo	6
S. & R.Munce	Drumreagh	17
W.D.Grubb	Irish Town/Middle Plains	16
John Field	Calstock/Long Plains	14
Charles Field	Whitefoord Hills	12
Thomas Field	near Deloraine	6
Marianne Winter	near Deloraine	13
William Archer	Cheshunt	11
T.T.Parker	Kingsland	7
		<u>159</u>
WESTBURY		
Richard Dry	Quamby	23
William Bryan	Glenore/Cluan	25
Samuel Martin	Exton	19
Charles Prinsep	Adelphi	10
Thomas Field	Westfield	11
James Reibey	Oaks/Meander River	14
		<u>102</u>
LONGFORD		
Bishop of Tasmania	Bishopsbourne/Little Hampton	21
Thomas Reibey	Entally	12
T.T.Parker	Wallace	8
Edward Dumaresq	Illawarra	7
Charles Field	Field's Paddock	7
W & E Weston	Maitland	7
		<u>62</u>
EVANDALE		
James Cox	Clarendon & others	24
J.R.Kenworthy	Trafalgar/Campderdown	17
James Solomon	individual tenancies	7
Thomas Scott	Spring Banks/Breadalbane	7
		<u>55</u>
		378

Source: Calculated from Valuation Rolls, HTG 1858, 1881, 1901-2

Deloraine's pre-eminent role in the provision of tenancies was particularly evident in the case of subsistence tenancies. Deloraine had

significantly more subsistence tenancies than the other three districts, and significantly fewer yeoman tenancies. Deloraine numbered 97, or 62%, of the 157 tenancies under 100 acres; and 48, or 60%, of the region's 79 tenancies 50 acres or under. Griffen's explanation for the migration of tenant farmers from Longford to Deloraine in the 1840s, the attraction of fertile soil and regular, plentiful rainfall,²² apparently induced a good number of Deloraine landlords to believe that small tenancies were viable, if not for tenants, then in their own interests. With some justification, then, Deloraine can be characterised as the subsistence capital of the Central North. Landlords including Henry Reed, A.F. Rooke, T.K. Archer, Samuel Munce, W.D. Grubb, John Field, Charles Field, Marianne Winter and T.T. Parker all offered subsistence tenancies to tenants.²³

Table 3.5: District comparisons of tenancy patterns 1858

	subsistence (under 100 acres)	yeoman (100-500 acres)	grazing (over 500 acres)	total
LONGFORD	23/37%	37/60%	2/3%	62
WESTBURY	18/18%	72/70%	12/12%	102
EVANDALE	13/24%	31/56%	11/20%	55
DELORAIN	97/61%	55/34%	7/4%	159
REGION	151/40%	195/52%	32/8%	378

Source: Calculated from Valuation Rolls, *HTG*, 1858.

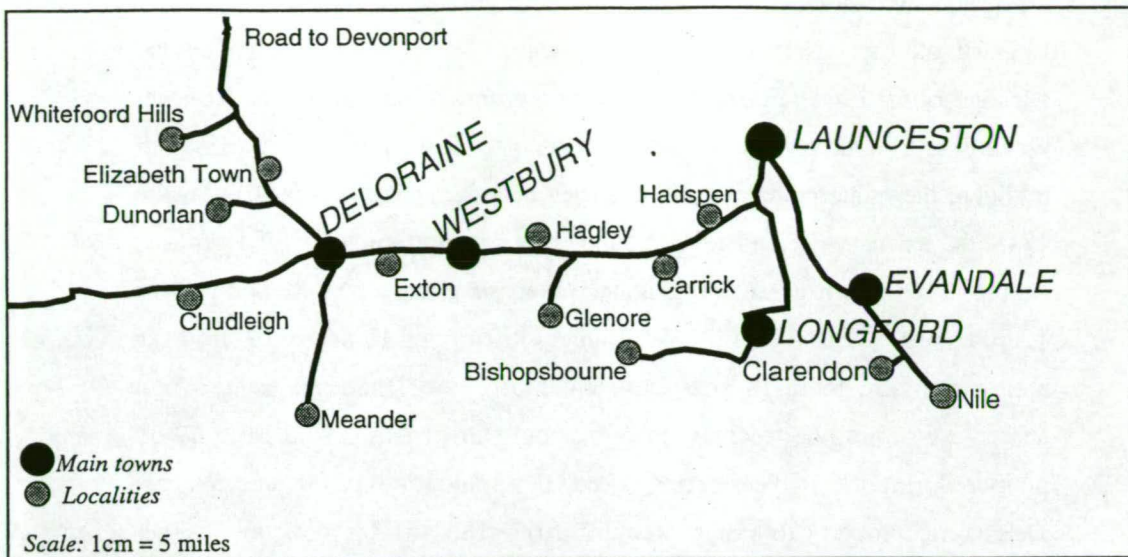
Most estates, which I shall call neo-traditional estates, were configured along traditional English lines. A large 'home' property was normally flanked by a number of smaller tenancies. Owners of neo-traditional estates, believing they would ultimately benefit if they assisted their tenants on the path to prosperity, were more likely to practice moral economy. Most neo-traditional estates had a high proportion of yeoman tenancies, thus enhancing prospects for tenants' prosperity and of course for landlords' rent income. While most neo-traditional estates were predominantly yeoman estates, this was not always the case. The configuration of all six larger estates in Westbury, for example, suggests the traditional model was used in the original establishment. On his Quamby estate Richard Dry occupied two properties totalling 7,500 acres, both of which were run by a manager, enabling Dry to pursue his political career in Hobart. Dry leased the remaining 4,700 acres to 23 tenants, the average tenancy 204 acres. Only three of the 23 tenancies on Quamby were subsistence tenancies. The Reverend Samuel Martin occupied 2,746 acres on his Exton estate, the

remaining 3,800 acres being subdivided into 19 tenancies, the average size 201 acres. Two of Martin's tenancies were under 100 acres. The Calcutta-based Charles Robert Prinsep leased his Adelphi estate of nine tenancies, near Westbury, at an average size of 175 acres as well as a 3,000 acre property to the insatiable John Field. In contrast to Quamby, Exton and Adelphi, Samuel and Sarah Munce's Drumreagh estate at Deloraine was a largely subsistence estate, 14 of the 17 tenancies being under 75 acres, with ten of those under 25 acres. Thomas Reibey's Entally estate near Hadsphen was a largely subsistence estate. Reibey occupied 4,000 acres, while nine tenants shared the remaining 870 acres, three of them yeoman tenants and the remaining six subsistence tenants. Neo-traditional estates were thus normally, but not always, predominantly yeoman estates.²⁴

Colonial estates, that is, estates which lacked the home property, were conceived essentially as rental propositions. Colonial estates generally had high numbers of subsistence tenancies. A.F. Rooke, T.K. Archer and W.D. Grubb were three landlords who ran predominantly subsistence estates in Deloraine. Bengeo, near Deloraine, was divided into two properties, one of 600 acres owned by Rooke, the other 590 acres owned by T.K. Archer. Rooke and Archer were both tenants themselves, each man leasing a large portion (Rooke 1,000 acres, Archer 500 acres) of a Deloraine property called Retreat from the Hobart lawyer Gamaliel Butler. Rooke divided his portion of Bengeo into 12 tenancies, seven of which ranged from 15-45 acres, with another four ranging from 70-80 acres. Archer was more generous than Rooke, his six tenancies averaging 98 acres in size, only two of them subsistence tenancies. Rooke also owned another, un-named subsistence estate in Deloraine; the estate was 640 acres and divided into 13 tenancies, the average size being 49 acres. Alone amongst the 35 estates under consideration here, this estate was the only one which appears to have had a subdivision arbitrarily imposed on it. Eleven of the 13 tenancies were 50 acres each, apparently no attempt having been made to take into account prominent landmarks in the process of division into tenancies. Grubb, a Launceston solicitor and land agent, owned 500 acres at Irish Town, to the west of Deloraine, so named because of a concentration of Irish immigrants there. Grubb's 500 acres was divided into 12 tenancies, eight of which ranged in size from 10-20 acres. After his death, Grubb's son, Frederick William, continued the family business. In the sphere of tenantry, then, the neo-traditional landed squire co-existed with the emerging capitalist entrepreneur.²⁵

Description of the Property.	Situation of the Property.	Name and Residence of the Occupier of the Property.	Name and Residence of the Proprietor of the Property.	Area of the Property.	Annual Value of the Property.
				ACRES.	£ s.
Shop	Westbury-road	William Moreton, on property	Moore Simmons, Westbury		20 0
Farm	Exton, parish of Exton	George M'Donald, ditto	Samuel Martin, Exton	220	100 0
ditto	Parish of Exton	John Middleton, ditto	ditto	145	62 0
ditto	ditto	George Manning, ditto	ditto	355	250 0
ditto	Quamby	Samuel Montgomery, ditto	Richard Dry, England	675	400 0
ditto	ditto	Cornelius M'Carthy, ditto	ditto	87	28 0
ditto	ditto	Walter M'Geer, ditto	ditto	204	160 0
ditto	ditto	Duncan M'Pherson and J. Robertson, ditto	ditto	112	67 0
Marsh Inn	Exton	William Motton, ditto	The said William Motton	20	160 0
Cottage	ditto	J. Martin, ditto	ditto, Marsh Inn		7 0
Sheep-run and farm	Parish of Bridgenorth	John Miller, ditto	Mrs. Brooks, Launceston	2500	250 0
Farm	Meander River, near Egmont	John Merchant, ditto	J. H. Reiby, England	800	105 0
ditto	Near Egmont	John Mahoney, ditto	ditto	500	60 0
ditto	ditto	C. M'Carthy	ditto	200	25 0
ditto	Glenore, Westbury	Robert Mott, on the property	William Bryan, Europe	204	40 0
ditto	ditto	Dennis M'Carthy, ditto	ditto	408	41 0
ditto	Clunn	William M'Neen, ditto	ditto	750	110 0
Cottage	Westbury-road	John Miles, ditto	The said John Mills	1	8 0
ditto and land	Russell-street, West-	Nicholas Murphy, ditto	James Hogan, Westbury	10	10 0
Farm	Near Egmont (bury	Mary M'Manigal, ditto	Michael O'Keeffe, Somerville	180	60 0
ditto	Marsh Paddock, Exton	William Motton, Marsh Inn	Thomas W. Field, Westfield	70	35 0
ditto	Marsh Paddock, Ex-	Edward Moss, on the property	Representatives of late Charles	125	75 0
Sheep-run	Lot 632 (ton	F. H. M'Rea	Crown (Field	1600	16 10
Land	Shamrock-street	Unoccupied	Vincent Newton	4	4 0
ditto	Lyttleton-street	ditto	George Newsom	48	50 0
Farm	Cluan	Vincent Newton, on the pro-	William Bryan, Europe	208	80 0
ditto	Hagley	Joseph Nixon, ditto (party	The said Joseph Nixon	250	210 0
ditto	Emu Plains	ditto, Hagley	ditto	418	200 0
ditto (stead	Quamby	ditto	Richard Dry, England	104	90 0
Farm called Home-	Hagley	Isaac Noakes, Longford	Rowland R. Davies, Hobart	306	200 0
Greenhill Farm	ditto	ditto	ditto (Town	500	200 0
House	[Westbury				13 0
Berridale Inn	Mary Anne-street,	Michael O'Brien, on the pro-	Mrs. Lyons, Cluan	3	200 0
Allotments	Westbury-road	Daniel O'Meara, ditto (party	John Fawns, Launceston	23	23 0
Farm	Suburbs of Westbury	Mrs. Oakden (party	The said Mrs. Oakden	158	120 0
ditto	Quamby	William O'Meara, on the pro-	James Pascoe, Carrick	200	60 0
ditto	ditto	William Orledge, ditto	Richard Dry, England	100	30 0
ditto	ditto	O'Meara, Kavanagh, & Mag-	ditto	125	123 0
ditto	[River	Henry Oldacre, ditto (ban, ditto	ditto	300	70 0
Cattle-run	Somerville, Meander	Michael O'Keeffe, ditto	James H. Reibey, England	2560	150 0
Farm	Looseleigh, near Black	ditto, Somerville	Mrs. Louisa Thomas, ditto		
ditto	Sugar-loaf				
Farm	Meander River, near	Brothers O'Bean, on the pro-	J. C. Whiteman, ditto	122	70 0
ditto	Somerville				
	Part of Westfield	Morgan F. O'Meara, ditto	T. W. Field, Westfield	95	75 0
	Quamby's Brook				
House	Mary Anne-street	James Parker, ditto	John Donald, Westbury		13 0
ditto and brewery	William-street, West-	Jesse Pullen, ditto	John Best, Hagley	21	52 0
ditto and shop	ditto (bury	Joseph Pullen, ditto	William Smith, Westbury		30 0
ditto	ditto	Edward Plummer, ditto	The said Edward Plummer		22 0
ditto and garden	Adelaide-street	John Pugh, ditto	William Gillam, Westbury		13 0
House	Franklin-street, West-	Thomas Pellant, ditto	R. R. Davies, Hobart Town		13 0
ditto and shop	Hagley (bury	David Parry	Thomas Gillam, Launceston		20 0
ditto and store	ditto [Carrick	ditto, ditto	The said David Parry	2	30 0
Farm	Liffey Rivulet, near	James Pascoe, Carrick	ditto James Pascoe	60	30 0
ditto	Black Hills	John Powell, on the property	William Bryan, England	100	60 0
ditto	Exton	Shadrack Parton, ditto	Samuel Martin, Exton	70	45 0
ditto	ditto	Frederick Presnel, ditto	ditto	265	150 0
ditto	ditto	Charles Packet, ditto	ditto	220	80 0
ditto	Quamby	Joseph Pitham, ditto	Richard Dry, England	66	20 0
ditto	Oaks	William Pitt, ditto	Charles Arthur, Longford	300	120 0
ditto	Liffey Rivulet	Benjamin Prelew, ditto	William Field, Enfeld	80	50 0
ditto	Meander (of Mutton	John Porter, ditto	The said John Porter	200	40 0
ditto	Ready Marsh, Shoulder	ditto	ditto	265	40 0
Cattle-run	On Meander	ditto	J. Williams, Westbury	200	40 0
Land	ditto	ditto	Crown	5230	52 0
Farm	Near Somerville	John Porter, junr	ditto	500	5 0
House	Westbury-road	Richard Phelan, on the property	J. C. Whiteman, England	25	16 0
Farm	Quamby	Patrick Quigley, ditto	The said Patrick Quigly		20 0
		Hugh Quigley, ditto	Richard Dry	218	130 0
House and land	Shadforth-street	William Rolfe, ditto	ditto	14	20 0
					15 0

Extract from Westbury Valuation Roll, 1858. The Rolls for the four Central North districts were a major source for the thesis.



Map 6: Tenancy localities, Tasmania's Central North. Tenancies were clustered around all the named towns (except Launceston) and localities.

Landlords' motives

Two major reasons, one cultural and the other fiscal, account for the popularity of tenantry with landlords. Much agriculture in Britain was practised by tenants. As with so many other aspects of their culture, the colonists sought to transplant this British practice to the colony, at least where they perceived the land was suitable for agriculture. Some Tasmanian landlords, however, were unwilling to finance improvements. Westbury landlords, for example, refused to spend money on draining tenancies, a necessary innovation in the eyes of many observers for agriculture to prosper.²⁶ Others in the early 1860s refused to provide funds to establish irrigation works on estates, preferring, while land was cheap, to build up holdings so their children might have farms of viable size.²⁷ Many landlords used tenants to clear their lands of forest. Thick forest covered much land around Carrick and Westbury. The land was let on clearing leases at a gradually increasing rent of from one to three bushels of wheat per acre.²⁸ The tenantry system also enabled owners to retain control of lands they either could not or did not want to use directly, whilst at the same time deriving a regular, if variable income from tenants. Tenantry was more profitable, certainly in terms of return for effort, than an active engagement in agriculture which, as Chapter 4 shows, experienced uneven profitability through much of the century.

The leasing of tenancies was profitable, at least some of the time, especially for landlords willing to lease yeoman tenancies. The Church of England did very well with a property called Vron, better known as the Bishopsbourne estate. Formerly the site of a grammar school, Christ College, which Lady Franklin hoped would educate young men in the true English tradition, the estate contained 22 tenancies occupying some 4,300 acres. In 1848, the tenancies yielded 1,400 pounds rent, or approximately 6/5d per acre - a profitable return given the original purchase price of 5,000 pounds for 12,000 acres.²⁹ Between 1846-60, Daniel Griffin paid Henry Reed 3/6d per annum per acre for a 14 year lease on 800 of the Dunorlan estate's best acres.³⁰ Assuming he received no remissions, Griffen thus paid Reed 1,960 pounds during the 14 year period. Reed also rented the 1,200 acre Wesley Dale home property to Henry Rockliff from 1851-61 for 450 pounds per annum.³¹ One observer claimed that an immigrant could, in the late 1870s, rent a farm at 10/- to 15/- per acre 'but the land will be found to be considerably worn out'. Landlords, he went on, were not 'particular as to the sort of tenants they accept, and these having often little capital, the soil has been exhausted by successive grain crops'.³² Some landlords, preferring a feudal approach in their dealings with tenants, accepted wheat as payment for rent. Longford landowner W.H.D. Archer told a Select Committee into immigration in 1882 that terms for leasing, at least in Longford, were similar to those in England. Many landlords accepted grain in lieu of cash. Rents in Longford varied from 1-3 bushels per acre, the rental depending on the quality of the land. Merchants accepted wheat valued at 5/6d per bushel as payment for guano, valued at 80 pounds per ton, on 12 months credit.³³ The relative profitability of tenantry attracted several estate trustees. Reed's estates Wesley Dale and Dunorlan, for example, were leased for several decades after Reed's death, Dunorlan until well after the first world war when it was acquired for the soldier settlement scheme.³⁴ Much of Clarendon was leased from James Cox's death in 1866 until acquired under the Closer Settlement Scheme in 1914.³⁵

For many landlords tenantry was a matter of convenience. Most large landlords did not live on their estates. Across the region in 1858, only seven landlords lived on the estate, the remaining 21 living elsewhere, some of them elsewhere in the district or region, others well away from their estates in places such as Melbourne, London and Calcutta. As the high incidence of absentee landlords suggests, tenantry offered land owners the capacity to

pursue other careers, or lives of leisure, elsewhere; such opportunities were an integral part of landed power. In Longford only one of the nine largest landlords, Thomas Reibey lived on the estate. Of the four Evandale landlords only James Cox lived on site; and of Westbury's six largest landlords, three, Richard Dry, Samuel Martin and Thomas Field lived on their estates. Of Deloraine's 11 largest landlords, only Samuel Munce, and after his death, his wife Sarah and son Robert, consistently lived on the estate. Henry Reed spent much of his time in England, Marianne Winter lived in Melbourne, Grubb in Launceston, T.T. Parker and Charles Field in Longford, and John Field, A.F. Rooke and T.K. Archer (no relation to Longford Archers) all lived on other properties in Deloraine. Some absentee owners employed managers to run the often large 'home' properties; others, however, leased the home property, usually to another large landowner, and the smaller properties to yeoman or subsistence tenants. Thus many of the absentee estates, originally conceived along traditional lines, became, as administrative propositions, colonial estates.³⁶

Some landlords were motivated by the prospect of providing their tenants with the social and moral authority necessary to good order and individual salvation. Interested landlords' ability to realise this vision, however, depended on their status and wealth. The owners of larger estates were considered great rather than small gentlemen, exercising different kinds of power than did the small gentlemen, depending on the estate size and the quality of political connections. A great gentleman had territorial authority, often assuming the status of ruler of a principality; he ruled networks of families on his own land.³⁷ The Central North had examples of both. The Quamby Estate, owned by Richard Dry and after his death in 1843 by his son Richard, was one of few estates in the Central North which assumed the status of principality. The young Dry, despite the fact his father had been transported to the colony as an Irish political prisoner, had impeccable political connections, and rose to become premier in 1866. In 1858, 23 tenants farmed some 5,000 acres on the estate; during the late 1860s the estate population was more than 800 people, including both tenants and servants.³⁸ Dry enjoyed a reputation as a generous landlord; as proof of his generosity, he endowed a church, parsonage and school buildings for the Westbury and Hagley districts.³⁹ His generosity, however, was strictly paternalistic. In August 1863, Dry "advocated a return to a partly nominated parliament and 'a system of voting according to orders'"⁴⁰

Archdeacon, former premier and long-time MHA Thomas Reibey was a man of great influence in the Westbury district, although his home estate, Entally, was relatively small. Reibey claimed to have 50 or 60 tenants;⁴¹ in all likelihood when this claim was made, he was including tenants on the Bishopsbourne and Little Hampton estates, owned by the Church of England. Reibey dispensed large dollops of patronage on the township of Carrick. He built a church in Carrick's Reibey Street, and divided adjoining land into allotments on which small tradesmen might settle. He provided a house in Carrick for a mechanics institute and stocked it with 'a number of first-rate books'. A cricket club, which played its matches on Reibey's estate ground at nearby Entally, emanated from the mechanics institute. Carrick had a mutual benefit society under Reibey's patronage; its members were invited to dine at Entally every New Year's Day, and Mrs Reibey ensured that the children of Carrick had an annual feast at the same place.⁴² Reibey's claim to the moral authority of a great gentleman, however, was tainted by the charge in the 1870s that he allegedly seduced a young widow while assisting her to execute her husband's will.⁴³ James Cox, owner of the Clarendon estate in Evandale, was also a great gentleman. Cox was influential in founding the Cornwall Collegiate Institute at Norfolk Plains and the Cornwall bank. He became a magistrate in 1816, formed the village of Lymington, and endowed its Church.⁴⁴ Other estates, such as William Archer's Cheshunt and Samuel Martin's Exton, were principalities writ small, pale imitations of the real thing, although Archer attained considerable status in politics, botany and architecture.⁴⁵

Henry Reed, landlord of Dunorlan and Wesley Dale estates, assumed the mantle of paternalistic squire. Apprenticed at 13 to a Hull merchant, Reed arrived at Hobart in 1827, walked the 120 miles to Launceston and obtained a position in J.W. Gleadow's store. Reed made a fortune as a shipowner during the colonisation of Port Phillip, and subsequently became a landowner and philanthropist. He left for England in 1847, and when he returned in 1873 was appalled by the living conditions endured by many Tasmanian tenants, including his own. Reed observed that many 'settlers and tenants live in most wretched homes. Their habits are seen in the management of their residences and their farms; they are all dilapidation and neglect'. Influenced by practice in England, where the general assumption when fixing rents was that adequate farm buildings would be provided by the landlord.⁴⁶ Reed set about building more adequate housing for his tenants at Dunorlan, and he issued instructions

to build fences, make ditches, clear weeds, send children to school and attend church. Reed provided the school and church.⁴⁷

Tenants' tenure

The security of a tenant's tenure depended in large measure on the maintenance of the estate over time. Some estates survived intact through the second half of the century, some did not, and new ones were established. Some tenants stayed put for long periods but others were forced to move, often after years of occupation of a tenancy which had effectively become home. For others, change offered the opportunity to assume the status of independent yeoman. There was thus some movement in the longevity of tenancies but there was also considerable stability. Change occurred more in Deloraine than elsewhere in the region, especially in relation to subsistence tenancies. By 1901 a number of small to medium-sized estates in Deloraine had either ceased to exist or continued on a smaller scale. Bengoe, formerly consisting of 18 tenancies totalling 1,190 acres had been reduced to 5 tenancies totally 626 acres. Frederick Grubb, who in addition to the family law firm in Launceston owned a half share in a gold mine at Beaconsfield which in the late 1870s made him 40,000 pounds a year,⁴⁸ had purchased A.F.Rooke's portion of Bengoe and installed himself as the sole occupant, thereby eliminating a dozen tenancies. The subsistence estate Drumreagh, formerly 17 tenancies, had been reduced to one tenancy of 370 acres. Kingsdon, on the other hand, still offered 1,752 acres in 12 tenancies, as in 1858. Keanefield, in 1901 owned by Basil Smith, was still intact. John Field's trustees still offered 3,616 acres in 20 tenancies, an increase of some 400 acres and six tenancies on 1858, and Henry Reed's trustees offered 12,603 acres in 35 tenancies, an increase of some 4,000 acres but only of three tenancies. Longstanding landlords were joined by two new players who helped maintain the overall number of tenancies on offer. Frederick Grubb leased 16 tenancies covering 2,423 acres and the Foster family from Campbelltown leased almost 10,000 acres in 39 tenancies.⁴⁹

The break-up of the Quamby Estate provides one example of the impact of estate dissolution on its tenants. Several tenants lost their farms in the mid-1850s, at the beginning of a twenty year depression. Dry encountered considerable financial difficulty, attributed variously to his involvement in politics, his generosity to those in need, and to poor business skills. To avoid bankruptcy, he sold 6,000 acres, subdivided into smaller farms, thereby

reducing the estate to 12,000 acres. The sale realised some 40,000 pounds.⁵⁰ Worse was to come as the depression drew to an end. Following Dry's death in 1869, the estate was sold to Victorian grazier J.J. Phelps. The sale, according to local observer Myles Mahoney, 'cast a gloom over the district; a large number of tenants on the estate, it is to be feared, will have to seek new homes when their leases expire, - perhaps in another Colony'.⁵¹ These fears were well founded. Phelps, a grazier from the Western District in Victoria, introduced what must have been for many people traumatic management and land use changes on Quamby when the leases expired in 1877. Atkinson suggests that in peoples' minds the idea of the estate induced a sense of attachment, creating both community and prosperity.⁵² But after Phelps bought the property, then 11,400 acres, at least a dozen tenants were forced to leave. Around 4,000 acres of rich agricultural land was turned to grazing. According to Mahoney, the result of 'the exodus which has taken place from the Quamby Estate' was a considerable decrease in the quantity of land under wheat and oats and a decrease of 6,000 sheep in the district.⁵³ Under the management of Nicholas Sadleir, a grazier from New South Wales, some 9,300 acres were used for pastoralism, and 2,114 acres divided between six tenants. Two families held four of the six tenancies. George, G & A, and Andrew Paterson had respectively 371, 575 and 597 acres. Mrs John Maloney leased 116 acres. When Phelps sold the estate in 1889, it was offered as 39 separate farms. Almost every farm had a house and outbuildings which had been built by Dry.⁵⁴

The dissolution of the Quamby Estate meant some farmers lost their tenancies but it also gave opportunities to others to buy their own farms. The Valuation Roll for 1901 shows 22 properties with the name Quamby, totalling 5,179 acres; these properties constituted the original 5,000 odd acres acquired by Richard Dry Senior in the 1820s. The 22 properties listed in 1901 had 19 different owners. George Gregory, formerly a tenant of Dry junior at nearby Westwood, owned three farms totalling 975 acres, including the 653 acre homestead farm valued at 9,150 pounds. The Quamby Church Endowment, funded by Dry's will, owned two farms, 165 and 177 acres, both leased. Of the 22 farms, 12 were occupied by their owners. Two others were apparently leased by the sons of owners. So just eight of the 22 farms were managed as tenancies in 1901. The Paterson and Maloney families, who between them leased four of the six tenancies Phelps had offered, owned three of the 22 farms. J., W., & A. Paterson jointly owned a 379 acre farm,



The great gentleman: Thomas Reibey aboard his carriage at the front of Entally House.

something of a come-down from their three yeoman tenancies during the 1880s. John and Michael Maloney, presumably Mrs John Maloney's sons, each owned a farm, respectively 305 and 248 acres, in 1901. Several other owner-occupiers in 1901, Timothy Donovan, William McMahon, Martin McGee, as well as the Maloneys, sported Irish names, suggesting Westbury was still popular with the Irish. Several of these new owners, or their families, including William Dobson, George Dobson, James Barr, and the Newton and Woolough families, had, in 1881, been tenants in the Westbury district.⁵⁵

The Exton estate, also near Westbury, has a similar story of change. In 1858 the Reverend Samuel Martin leased around 3,800 acres in 18 tenancies. They ranged in size from 70 to 511 acres, with most between 150 and 300 acres. Martin occupied 2,746 acres himself. By 1881 the estate, by then owned jointly by Martin's two sons, had been reduced to 5,537 acres, of which 1,969 acres were leased as 12 tenancies. By 1901, Henry Martin had sold all but one 593 acre block of the Exton estate, which he occupied himself. By 1901, 4,180 acres of the former estate had become 19 properties. Owner-occupiers farmed 13, the remaining nine were leased. The Badcock family, long-time yeoman tenants in the district, owned and occupied three of the farms. William Hart, Launceston ironmonger and co-owner of the Beaconsfield gold mine with Fred Grubb, owned and leased four of the farms. Hart, in fact, owned 4,327 acres in the district, leased in 18 tenancies.⁵⁶ Hart and Grubb's interest in land in the Deloraine and Westbury districts is yet another example of wealthy men from the eastern end of the region exercising considerable social and economic power in the western end.

Given that many estates persisted over the century, it is not surprising that many tenants, especially larger yeoman tenants leasing relatively profitable farms, occupied the same tenancy for long periods. In many cases change meant selecting heavily forested land and starting afresh, as well as forfeiting the use of years of improvements. Long term tenants in Deloraine included Alexander Fowler, who leased 975 acres in three lots from Henry Reed's Dunorlan estate; Henry Rockliffe for many years leased the 1,358 acre 'home' property on Reed's Wesley Dale estate; James Griffen leased 1,064 acres in four lots from various landlords; and William Wyatt leased 517 acres from the Dunorlan estate and 323 acres of the Harbourne estate belonging to Fred Grubb.⁵⁷ Long term tenancy often ran in the family. George Edwards, born in Norfolk, England, in 1848, arrived in Tasmania with his family in

1858. George helped on his father's tenancy on Evandale's Trafalgar estate for 40 years before, in the late 1890s, leasing Clareville from Robert Cameron. Clareville consisted of 700 acres, 300 being good agricultural land.⁵⁸ While some tenant farmers at the end of the century were, like George Edwards, willing to take on 'new' tenancies, others took the opportunity, if and when it offered, to buy. Samuel Jacobs, for example, purchased the 640 acre Pretty Plains on the South Esk River in 1913, his family having rented it for some 80 years.⁵⁹

In another sense, tenure for tenants was always vulnerable to the landlord's or his agent's whim. When the leases on Henry Reed's Dunorlan farms came up for renewal in 1861, his agent W.D. Grubb re-surveyed the farms and leased most of them to new tenants at higher rates.⁶⁰ As in New South Wales, landlords divided their estates into tenancies, rather than having them formally surveyed, thereby retaining the flexibility to reshape the farm landscape when leases expired or tenants left.⁶¹ One observer describes a neighbour who for many years rented a farm near Launceston on which he built a house and cleared a large section of scrub. When the lease expired the landlord raised the rent. The tenant responded by giving up the tenancy in order to seek his fortune in the New Zealand gold mines.⁶² In 1877 Longford graziers William Gibson & Son gave notice to the tenant of the Snake farm they were going to evict him 'and make a stud breeding establishment of it'. When John Whitehead purchased the Longford property Bostock in 1880 he was unable to agree on a rental with the tenant of a 248 acre section. Whitehead decided to 'take it all into my own hands on 1st March next. This will give me something more to do and think about which will do me no harm'. So Whitehead relieved all three tenants of the 1078 acres they had previously occupied.⁶³

Tenantry and the law

Landlords could have considerable influence on the lives of their tenants. Atkinson suggests on well-run estates 'the tenant bound himself in a manner that affected the totality of his own existence', moving within the landlord's space and abiding by his timetable.⁶⁴ Other tenants were not so fortunate, having to wear the landlord's whim on tenure, rent levels and rent remissions.⁶⁵ Sometimes, though, relations between landlords and tenants were removed from the landlord's paternalistic hands and regulated by the law. Before 1874, landlord and tenant relations in colonial Tasmania were

governed by two English acts. One act was proclaimed in 1843, the other in 1853. Both acts sought to regulate ways in which disputes, especially relating to unpaid rent, were resolved. A reform bill was passed in 1872 but lapsed when the parliament was dissolved. In 1874 a Landlord and Tenant Bill was given Royal Assent and remained in place until minor amendment in 1909. An examination of this legislation and the accompanying House of Assembly debates offer insights into power relations between landlords and tenants, and into contemporary perceptions of the role of the law in those relations.

The 1843 Act to Regulate Distresses and Replevins was proclaimed in the depths of a severe depression, suggesting a pressing need for a legal procedure to regulate disputes between landlords and tenants over rental arrears.⁶⁶ A distress was an order for the seizure of property for payment of or in satisfaction of a debt, normally rent. A replevin was an order to recover possession of goods distrained or seized under a distress; a replevin, in other words, was an order obtained by a tenant enabling him or her to recover seized goods. The Act empowered the Sheriff of Van Diemen's Land Supreme Court, upon application from landlords or tenants, to issue both distresses and replevins. In 1853, the 1843 Act was consolidated by extending to the colony the English Act for enabling the Sale of Goods distrained for Rent in case the Rent be not paid in a reasonable time. Further consolidation was sought by applying to the colony the penalties set out in the English Act to regulate the Costs of Distresses levied for payment of small Rents. Under this Act a landlord could apply to two justices of the peace to have a case against a tenant heard forthwith.⁶⁷

In practice, the 1843 Act was heavily loaded in favour of landlords. During public debate on the 1874 Act, the Hobart *Mercury* claimed the 1843 Act was defective. Proceedings under the Act often created confusion among bailiffs, who failed to understand the sections of the Act related to appraisement. Instances repeatedly occurred in which illegal distraints were made, causing hardship for 'a poor class'. Even worse, the Act forbade owners, usually tenants, from testing the legality of a distraint if the goods in question were valued at less than 20 pounds, a figure 'far in excess' of the amount usually involved in such cases.⁶⁸ In order to obtain a replevin, a tenant had to supply a bond equal to double the value of the goods distrained, as well as the names of two sufficient sureties, for example, a gentleman and a yeoman.⁶⁹ In all likelihood, such requirements would have been beyond the capability of most tenants in arrears of rent, especially in times of depression.

The *Mercury*, the only newspaper to editorialise on the subject, argued consolidation and improvement were necessary because the relationship between landlord and tenant was common, disputes arose frequently, and generally parties preferred amicable resolution. To facilitate amicable resolution, the law needed to be 'popularised' so that, without litigation, parties could properly understand their rights and obligations. The *Mercury* complained that since 1868, when the administration of the 1843 Act was transferred to local Courts of Requests under the Small Debts Act,⁷⁰ considerable delays of one to three months in resolving disputes were common. Disputes involving thirty pounds or more had to go to the Supreme Court in Launceston or Hobart. This procedure had replaced a very satisfactory arrangement under the Act to Facilitate Recovery of the Possession of Tenements,⁷¹ which empowered two justices to hear disputes immediately after a notice to quit had been served and where the rent was up to forty pounds per year. Under the 1868 arrangement it was far easier for an 'objectionable' tenant to frustrate a landlord's attempt to regain possession of his tenement.⁷²

The politicians saw problems different from those identified by the *Mercury*. The preamble to the bill noted it had become 'desirable to amend the Laws of Landlord and Tenant relating to emblements [annual crops or profits of such crops], the seizure in execution of growing crops and lodgers goods, and the removal of agricultural tenants' fixtures'.⁷³ In the House of Assembly, Adye Douglas argued the existing law had produced a system of farming which tended to the 'permanent impoverishment of the land' and a class of landlords, many of whom were effectively 'robbers' — to which John Whitehead (Norfolk Plains) responded 'Not a bit of it'. In Douglas' view, too many tenants were forced to rely on the consideration and benevolence of the landlord. The Attorney-general contended that 'landlords had powers larger than those given to any class of persons...In every way the position of the landlord was hedged around'. Samuel Henry (Deloraine) claimed tenants were disadvantaged by landlords' practice of taking 'acceptances'. Under this system, tenants asked landlords to pay for goods and in return give the landlord a bill of exchange, or acceptance, which had to be paid by a specified time. Henry said sometimes such bills passed through three or four hands, the landlord using the bills to pay debts of his own, and that the practice should be regulated by the law. William Crowther argued there had for some years past been 'a kind of internecine warfare between landlord and tenant'

which accounted for the 'dilapidated state' of many buildings and fences. Douglas thought the old imperial statute 'a gross infringement' on the liberty of the tenant, citing that only a tenant's goods could be distrained without an 'especial' warrant. The tendency of all modern legislation, in Douglas' view, was to protect the tenant. The *Mercury* responded that Douglas had provided no evidence that the law was oppressive to tenants; on the contrary, the existing law allowed a 'cantankerous' tenant to stay on beyond the expiry of a lease and when all hope of recovering rent was gone.⁷⁴

When the 1874 Landlord and Tenant Bill was introduced in parliament, the Colonial Secretary argued the Bill protected the interests of both landlords and tenants.⁷⁵ Many, however, disagreed that parliament should concern itself with such an aim. The *Mercury* thought the bill was 'useless', that it smacked 'very much of the amateur style of legislation', that it offered more to the legal profession than anyone else, and that it aimed to do for landlords and tenants what they should be left to do for themselves. Parliament had no duty to determine the respective rights of landlords and tenants. The law should lay down general principles concerning relations between landlords and tenants, but when simple principles 'became enveloped in a fog of legislative enactment and legal phraseology' the unlettered, the inexperienced and the unsophisticated were likely to be duped by the more knowing ones with whom they dealt. The bill would keep landlords and tenants constantly engaged in litigation, and would protect tenants at the expense of landlords. Tenants should not be encouraged to rely on the parliament to protect their interests, but should look after their own. Whitehead opposed the legislation because in his view landlords preferred to personally arrange contracts with tenants, and not be bound by legislative requirements about how a lease should be arranged. Butler agreed that arrangements between landlords and tenants were preferable to encoded rights. Meredith thought there was 'no reason to disturb the happy relations now existing between landlord and tenant', and that the bill was yet another example of the parliament's tendency to over-legislate. Wilson thought tenants were greedy parasites and that the bill was merely food for lawyers. Whitehead agreed with Wilson that tenants only wanted to get what they could from the landlord's property, that they often let their tenancies run to ruin and destruction, and that those usually victimised were landlords.⁷⁶

Apart from the general question about the prerogative of the parliament to encode rights, the most controversial measure was clause IV,

which empowered a tenant, when vacating a tenancy, to remove fixtures he had constructed. The measure was controversial partly because it went beyond English law, and partly because it was perceived to favour the tenant at the expense of the landlord. The Colonial Secretary, however, maintained the bill was based on English experience and had been approved by a learned judge who believed the bill was 'a fair and equitable arrangement'. The Attorney-General, who moved the second reading, claimed he had rejected several suggestions, made since 1872, to extend the bill beyond English law. He conceded, nevertheless, that clause IV did go beyond English law. The clause stipulated that if a tenant erected buildings or other fixtures without the permission of his landlord he was entitled to claim recompense from the landlord, or remove them when vacating the tenancy. The Colonial Secretary argued the clause was necessary because it was unfair and unreasonable that fixtures erected by a tenant should go to the landlord in the event of the tenant leaving.⁷⁷

Several Members supported clause IV because it would give tenants greater incentive to develop their farms. Crowther claimed the maintenance of buildings and fences was the responsibility of landlords, not tenants. Tenants should be compelled to keep fixtures in good repair and landlords should pay for such repairs. Crowther thought a similar arrangement should apply to manuring and cropping. Such measures would produce a wiser farming system and the value of holdings would gradually improve. The Colonial Secretary responded that Crowther's suggestions would divest landlords of their rights and give tenants too much power. The bill as proposed would prevent any advantage being taken on either side. N.E. Lewis thought the clause would encourage and empower tenants to 'go to work with a will' and improve the quality of their farming. Douglas argued those who worked the land should be protected, and in any case the land was held by landlords in trust; it was not theirs to do with it as they liked. He added that the absence of inducements to improve farms was the reason why large tracts of land, referred to by Whitehead, were bereft of people and populated instead by mutton. The Attorney-general argued the tenant was presently at the mercy of the landlord and this situation 'put a stop to all improvements in agriculture'. High class farms were expensive to establish and tenants could not be expected to launch into great expense without some guarantee of recompense. Whitehead opposed the clause because it would allow a tenant to remove timber and put the money in his own pocket. Douglas, citing a case in which

a tenant was successfully prosecuted by a landlord for removing bark without consent, claimed the existing law prevented the unauthorised removal of timber, to which Whitehead responded 'no no'. Mitchell thought the removal of timber would benefit the estate, to which Whitehead again responded 'no no', and in any case, according to Mitchell, timbered lots were usually let on the basis they would be converted to farmland.⁷⁸

The solution to the impasse was provided by Westbury MHA Thomas Reibey. Reibey told the House that he would support a tenant's right to claim compensation only if the Bill required the landlord to give prior consent for the erection of any fixtures. Reibey argued the present law allowed tenants to remove buildings or machinery except those erected on stone foundations. As it stood, he felt the bill gave tenants too much power over landlords. He would rather run cattle and sheep than allow a tenant to make any improvement he pleased. Claiming he was not a landlord who would take advantage of his tenants, Reibey moved that the words 'with the consent in writing of the landlord' be inserted in the clause. The Attorney-general accepted the amendment, which was carried by a vote of 14-12. Of the Central North members, Samuel Henry (Deloraine), believing landlords had too much power, opposed the amendment, and John Whitehead (Norfolk Plains), Frederick Innes (Morven) and Reibey supported it. The attempt to empower tenants to act without the landlord's consent in matters concerning the erection of fixtures and the removal of timber thus failed. The *Mercury* noted the division represented a most unusual combination of members. The Attorney-general voted on one side, and the Treasurer and Minister for Lands on the other; and several members who denounced clause IV under any shape voted for Reibey's amendment.⁷⁹

Other issues in the bill which prompted its introduction were less controversial. The bill redefined procedures in relation to emblements where a rack rent was charged and when the estate, either through the death of the landlord or sale of the estate, passed to a new owner. Rather than have a claim to existing emblements, the tenant would continue to hold a lease on the tenancy until the expiration of its current year. The new landlord then had the right to recover from the tenant 'a fair proportion of the rent' for the period which had elapsed from the day of the previous landlord's death or the sale of the property. In addition the same 'benefits, advantages...terms, conditions, and restrictions' which applied to the former landlord and tenant relationship were to apply to the new one, thereby preventing either party from obtaining

undue advantage over the other. In the Colonial Secretary's view, this arrangement was better than emblements going to a new tenant. But since a tenant was compelled by the new law to honour an existing lease, at least until the end of the current year, he had to pay the rack rent, irrespective of the value of the crop, which might be ruined by disease, or drought, or be rendered of little value by low prices. In such circumstances, the landlord had his rent at rack rates unless he agreed - some did and some did not - to any request for a remission.⁸⁰ Few members disagreed with the clause that if a tenant's distrained goods and chattels were of insufficient value to cover any rent owing, the landlord, the Sheriff or other authorised official was empowered to seize and sell the tenant's crops, provided they remained on the tenancy.⁸¹

Conclusion

A neo-feudal version of agricultural tenantry was widely practised across Tasmania's Central North in the colonial period. For most of the century, less than 5% of the adult male population owned productive land. The great bulk of agriculturalists were tenants, many of them on holdings which offered little more than a grinding subsistence. Some landlords, especially those in Westbury, practised moral economy in the establishment and running of their estates. Most tenancies there were of a size that allowed yeoman tenants to achieve some measure of prosperity. Other landlords, especially in Deloraine, were less interested in nurturing a prosperous tenantry and more interested in extracting as much rent as they could from their estates. Colonial agriculture thus witnessed the transformation of an imported landlordism practising moral economy to a capitalist system motivated largely by profit. For many tenants, especially subsistence tenants, tenancy lacked the sense of integrity, security and empowerment associated with yeoman independence. Socially and in the estate workplace, tenants were normally subservient to their landlords. Landlords enjoyed the social power and status traditionally associated with their position, and although many were willing to negotiate fair tenancy arrangements with their tenants, landlords ultimately decided the size of holdings, what improvements could be made, and what rents would be paid. The law was not concerned with these matters. Tenure was always uncertain, and many tenants lost viable farms on the expiration of a lease or the death of the landlord. Tenants' power, especially

the power to control one's own destiny, was always qualified and often elusive.

Colonial Tasmania was a heavily regulated place, but laws relating to landlord-tenant relations went against this wider trend. The 1874 legislation was very much an instrument for ensuring the discretionary and time-honoured power of landlords over tenants; the Act offered tenants little protection or power. In the accompanying parliamentary debate, members differed over whether the law should seek to embody general principles or procedural regulation, and whether it should permit private arrangements between landlords and tenants or articulate encoded rights for both parties. In the end, the advocates of a non-interventionist approach prevailed; the 1874 Act, which was not amended until well into the twentieth century, effectively formalised the traditional discretionary powers of English landlords. The sphere of landlord-tenant relations was not seen as a matter for procedural law, but rather for the discretion of landed privilege.

Notes

¹ Launceston *Examiner*, 16 April 1859

² F.M.L. Thompson, *English Landed Society in the Nineteenth Century*, London: Routledge & Kegan Paul, 1969, p248

³ Spohie Ducker, *The Contented Botanist*, Melbourne: Melbourne University Press, 1988, pp189-90

⁴ Influence of landed elites in parliament is discussed at the beginning of ch5

⁵ Alan Atkinson, *Camden*, chs 6 & 7

⁶ McKay, *Land Commissioners' Journals*, p22

⁷ Act to Regulate Distresses & Replevins. 1843, 7 Vic, no1

⁸ Maureen Bennett, *Pioneer Estates of Deloraine*, Launceston: National Trust of Australia, 1984, p10

⁹ Hudson Fysh, *Henry Reed*, p101

¹⁰ *Daily Telegraph*, 28 October 1893; Fysh, *Henry Reed*, p108

¹¹ Gillard, *Thick on the Ground*, pp 61-67; Valuation Roll, *HTG*, 1858

¹² Population Returns. *ST*, 1882

¹³ John Mitchel, *Jail Journal*, in W.T. Southerwood, *Planting a Faith in Tasmania*. Hobart: W.T.Southerwood, 1977, pp 7, 169-70, 172; Atkinson, *Camden*, p126; see also James Waldersee, *Catholic Society in New South Wales, 1788-1860*, Sydney: Sydney University Press, 1974

¹⁴ Southerwood, *Planting a Faith*, p173

¹⁵ Southerwood, *Planting a Faith*, p174

¹⁶ Southerwood, *Planting a Faith*, p174

¹⁷ John Mitchel, *Jail Journal*, Dublin: M.H. Gill and Son, 1950, p321; Payne, Ellen Nora (nee Field) typescript. *Recollections of Westfield: Field Family, William and Thomas*. MS 6937 Box 123/3, Latrobe Library, Melbourne. Payne began collecting materials in 1879, visited the Mitchell Library in 1916, and sent a copy to Mitchell Library 1949.

¹⁸ Townsley, W.A., 'Tasmania and the Great Economic Depression, 1858-72'. *P&P*. THRA. vol 4/2. 1955. pp 35-46

¹⁹ Grazing tenancies are discussed briefly in chapter 2. Since they were not occupied by agriculturalists they are not discussed in this chapter.

²⁰ Valuation Rolls. *HTG*, 1858, 1881, 1901-02

²¹ Valuation Rolls. *HTG*, 1858, 1881, 1901-02

²² *Daily Telegraph*, 28 October 1893

²³ Valuation Rolls. *HTG*, 1858, 1881, 1901-02

- ²⁴ Valuation Rolls, *HTG*, 1858, 1881, 1901-02
- ²⁵ Valuation Rolls, *HTG*, 1858, 1881, 1901-02
- ²⁶ Agricultural Returns, *ST*, 1868, 1872
- ²⁷ Gunn papers, AOT, LSD 55, in Margaret Mason-Cox, *Lifeblood of a Colony: the history of irrigation in Tasmania*, Hobart: Rivers and Water Supply Commission, 1994, pp 143-44
- ²⁸ Ducker, *The Contented Botanist*, pp 189-90
- ²⁹ Crawford et al, *Wedge Diaries*, p xxii
- ³⁰ *Daily Telegraph*, 4 October 1893; Fysh, *Henry Reed*, p108
- ³¹ Fysh, *Henry Reed*, p101
- ³² 'A Recent Settler', *Emigration to Tasmania...*, London: A. Moxon, 1879, pp 43-44
- ³³ Select Committee into the best means of attracting...intending Emigrants to...Tasmania, *HAF* no105 1882
- ³⁴ Fysh, *Henry Reed*, p112
- ³⁵ Closer Settlement Scheme Report, *LCJ* no12 1914; Robson, *History of Tasmania*, vol 2, p407
- ³⁶ Valuation Rolls, *HTG*, 1858, 1881, 1901-02
- ³⁷ Atkinson, *Camden*, p68. Atkinson was discussing the early period of tenancy in NSW, but his comment seems to apply equally to Tasmania throughout the nineteenth century.
- ³⁸ Entry on Richard Dry, *ADB*, vol 1, 1788-1850, pp329-30; *Valuation Roll*, 1858; E.G. Scott, 'Quamby, Tasmania', in *Historic Homesteads*, p298
- ³⁹ *Examiner*, 3 April 1860
- ⁴⁰ Reynolds, 'Tasmanian gentry', p67
- ⁴¹ *Mercury*, Landlord & Tenant Bill debate, 22 August 1874
- ⁴² *Examiner*, 16 April 1859. For a slightly more detailed discussion of estate recreation, see Chapter 10 below.
- ⁴³ Sprod, *Whitehead Letters*, p29
- ⁴⁴ Entry on James Cox, *ADB*, vol 1, 1788-1850, pp 256-57
- ⁴⁵ Entry on William Archer, *ADB*, vol 3, 1850-90, pp 40-41
- ⁴⁶ Thompson, *English Landed Society in the Nineteenth Century*, p248
- ⁴⁷ Entry on Henry Reed, *ADB*, vol 2, 1788-1850, 1967, pp 371-73; Fysh, *Henry Reed*, p112
- ⁴⁸ Sprod, *Whitehead Letters*, p165
- ⁴⁹ Valuation Rolls, *HTG*, 1858, 1881, 1901-02
- ⁵⁰ Scott, 'Quamby, Tasmania', in *Historic Homesteads*, p300
- ⁵¹ Agricultural Returns, *ST*, 1874
- ⁵² Atkinson, *Camden*, p211
- ⁵³ Agricultural Returns, *ST*, 1877
- ⁵⁴ Scott, 'Quamby, Tasmania', in *Historic Homesteads*, p300
- ⁵⁵ Valuation Roll, *HTG*, 1901
- ⁵⁶ Valuation Roll, *HTG*, 1901; Sprod, *Whitehead Letters*, p205, on Grubb; see *Cyclopaedia of Tasmania*, pp169, 230, 223, for entries on Hart, Exton Estate and Badcock
- ⁵⁷ Valuation Roll, *HTG*, 1901
- ⁵⁸ *Cyclopaedia of Tasmania*, p168
- ⁵⁹ Sprod, *Whitehead Letters*, p25; for further examples of tenants who acquired their own farms late in the century see *Cyclopaedia of Tasmania*, pp 169-70, 216
- ⁶⁰ Fysh, *Henry Reed*, p109
- ⁶¹ Atkinson, *Camden*, p68
- ⁶² A Recent Settler, *Emigration to Tasmania*, p 98
- ⁶³ Sprod, *Whitehead Letters*, p112, 177
- ⁶⁴ Atkinson, *Camden*, p83
- ⁶⁵ Rent remissions: see ch5
- ⁶⁶ Act to Regulate Distresses and Replevins, *TS*, 1843, 7 Vic/1
- ⁶⁷ Act for enabling the Sale of Goods distrained for Rent in case the Rent be not paid in a reasonable time. *TS*, 2nd year of the reign of the late King William and Queen Mary: Act to regulate the Costs of Distresses levied for payment of small Rents. 57th year of the late King George
- ⁶⁸ *Mercury*, 18 August 1874
- ⁶⁹ Act to Regulate Distresses and Replevins. 1843
- ⁷⁰ Small Debts Act. 1868. 31 Vic/15
- ⁷¹ Act to facilitate the recovery of possession of tenements. 1841. 4 Vic/20
- ⁷² *Mercury*, 4 & 18 August 1874
- ⁷³ Landlord & Tenant Act, 1874. 38 Vic/12
- ⁷⁴ *Mercury*, 13, 19 August, 22 July, 13 August 1874
- ⁷⁵ *Mercury*, 22 July 1874
- ⁷⁶ *Mercury*, 13 & 19 August 1874
- ⁷⁷ *Mercury*, 22 July, 13, 22 August 1874

⁷⁸ *Mercury*, 22 July & 13 August 1874

⁷⁹ *Mercury*, 13 & 19 August 1874

⁸⁰ See ch5

⁸¹ *Mercury*, 22 July 1874

Chapter 4

THE POVERTY OF AGRICULTURE

low prices, small markets & dry seasons

the landlord neither has the risk of sowing, nor the uncertainty of reaping, but an ascertained and fixed return for his landed capital. The tenant, on the other hand, bears all the peril of drought and season, together with the dubiousness of an uncertain market, and small margin of profit on small quantities of expensively produced product.¹

The Central North's economy in the colonial period was based on mixed farming. Grazing wool sheep and to a lesser extent cattle, usually practised by larger landowners, dominated much of the region while wheat and meat production, normally the preserve of tenant farmers, were concentrated in localities more suited to agriculture. From the outset farmers produced for the open market although in the early decades of colonisation the government's commissariat store provided a sure market for wheat and meat. In the latter half of the century wool growing was profitable but prices for wheat and sheep meat were consistently low. Wool growers thus enjoyed the power to make economic decisions calculated to advance their interests; on the other hand, the chronic poverty of agriculture severely limited the agriculturalist's ability to make substantial economic decisions. From time to time economic depression, dry seasons and exotic pests and diseases impacted on profitability for both pastoralists and agriculturalists, although the size of agricultural holdings was probably of greater import in determining the long-term viability of tenant farmers. Yeoman tenants, those leasing sizeable farms, were more likely to achieve long-term viability. Pastoral prosperity and agricultural poverty thus combined to consolidate landed privilege.

The period from 1860 to 1900 is the main focus in this chapter. There are several reasons for this. Van Diemen's Land history has been much investigated by historians, the post-1860 period less so. Sharon Morgan's recent work on land settlement discusses agriculture and pastoralism in some depth for the period prior to 1830;² the patterns and methods of land use established prior to 1830 generally persisted until the 1870s. Detailed statistical evidence, enabling the construction of a profile of the rural economy, is available for the post-1860 period. In the post-1870 period the agricultural improvement movement emerged, and significant change to the patterns and methods of land use established prior to 1830 occurred from

about 1870 onwards. The final three decades of the century were thus a period of much transition in agriculture. The chapter begins with a profile of the nineteenth century agricultural-pastoral economy in the Central North, then offers an analysis of the markets for agriculture and pastoralism. Finally, the impact of drought on profitability is examined.

The shape of farming: a regional profile

In the early years of British occupation, farms in the Central North produced for the market although many resembled the self-sufficient profile of independent yeomanry. Farmers, most of whom had little capital, grew grain, especially wheat, and raised cattle, sheep and pigs for meat production. The presence of convicts and their military keepers provided a local market. Very early in the colony's development, demand for produce in New South Wales, especially for wheat, provided an expanded market. From the start of colonisation then, agriculture drew on yeoman traditions but was organised along capitalist lines. Capitalist agriculture was heavily regulated and supported by the colonial government, largely through the operation of the commissariat store in Launceston. By the early 1820s, the land's potential for wool production, for which a ready market existed in England, was recognised; henceforth sheep grazing, on both native and introduced pastures, became the dominant economic activity. Wheat cropping continued as a significant activity, especially for tenant farmers. The Central North was the major wheat producer in Tasmania, and until about 1870 produced more wheat than Victoria and New South Wales combined. This pattern persisted until well into the second half of the nineteenth century, altered only by the limited emergence of potato cropping in the 1880s, largely on newly cleared forest lands, and, on a more extensive basis, dairying in the 1890s.³

Within the region, major farming activities varied. Deloraine, Westbury and Longford were mixed farming districts and Evandale primarily a sheep grazing district. More specifically, Westbury and Deloraine were mixed farming districts with an emphasis on food production, largely wheat and meat, and Longford a mixed farming district emphasising wool production. A further noteworthy difference between Longford, on the one hand, and Westbury and Deloraine on the other, was that the late-century dairy industry, developed largely in response to the emergence of an export butter market,⁴ was concentrated in Westbury and Deloraine although Longford farmers showed some interest. These district variations in

emphasis, largely the product of climate and soil quality, had major implications for farming profitability in the respective districts.

Table 4.1: Acreage of all land occupied for agricultural and pastoral purposes used for cultivation#

	1858-60	1901
Longford	29,400 (8%)*	44,429 (27%)
Evandale	15,600 (10%)	17,675 (10%)
Westbury		48,366 (30%)
Deloraine	<u>46,000</u> (18.5%)**	<u>45,804</u> (27%)
	91,000	156,274

Source: *Statistics of Tasmania*, Census Abstracts 1861, 1901

Percentages refer to the proportion of total occupied acreage used for cultivation

*This figure includes the grazing district South Longford, which later became a separate administrative unit.

**Westbury and Deloraine were constituted as a single administrative unit in 1858-61, namely the Police District of Westbury.

From the early 1820s sheep and cattle grazing occupied far more land than agriculture.⁵ This trend continued through the century, despite a decrease in the ratio of grazing to cropping land in the second half of the century. Measurement is best approached on a district as well as a regional basis, since the farming profiles in each of the four districts suggest important distinctions. The acreage of cultivated land in the region increased from 91,000 in 1858 to 156,274 acres in 1901. (see Table 4.1) Of the four districts, only Evandale failed to increase its percentage of cultivated land, which remained at or about 10% of the total occupied. The relative stagnation in Evandale was due to that district's greater suitability to sheep grazing. Up to 70% of the cultivated land in each of the other three districts was used for sheep and cattle grazing. This figure was in fact probably higher since, as will be seen below, much cultivated land was planted with introduced pastures for hay production and grazing.

Table 4.2: Regional livestock profile 1871-1901

	Sheep	Horned cattle	Pigs	Horses	Milch cows
1871	259,212	30,497	14,891	7,707	
1881	342,429	34,427	13,353	7,376	
1891	317,962	32,234	18,674	7,376	
1901	329,460	19,008	14,449	7,158	6,705

Source: *Statistics of Tasmania*, 1871, 1881, 1891, 1901

Sheep were by far the most numerous livestock species. (see Table 4.2) Numbers across the region increased by almost 20% between 1871 and 1901. The increases were mainly in Deloraine, where a threefold increase occurred, and in Westbury, where sheep numbers doubled. In part this reflected a shift from cropping to grazing which occurred in the second half of the century. Sheep numbers remained static in Longford and Evandale, suggesting maximum carrying capacity was reached by the early 1870s. The region's share of the colony's sheep remained stable, falling from just over 19% in 1871 to just over 18% in 1901. Longford and Evandale were the leading Central North districts in terms of sheep numbers, between them accounting for around two thirds of the region's sheep population. Longford and Evandale farmers kept merinos, primarily for fine wool production. In Westbury and Deloraine meat production was the objective, the most common breeds in the 1870s being Lincoln, Leicester, Cheviot and Southdown.⁶

Relative numerical stability occurred for horses and pigs, and a 15% decrease in overall cattle numbers. (Table 4.2) Horned cattle numbers decreased from 30% of the colony's total in 1871 to 15% in 1901, but milch cows increased from zero to 16%. Dairying was concentrated in Westbury and Deloraine, each district claiming a third of regional milch cow numbers. Across the period, Deloraine and Westbury were also the region's leading cattle producers. Between 1871 and 1901, the region's share of the colony's horses decreased from 34% to 22%, and pigs from 30% to 25%. Horses, important for working the land and transport, were spread fairly evenly across the region, the more sparingly cultivated Evandale lagging behind the other three districts. Westbury and Deloraine, the districts with the highest incidence of tenant farmers and small land owners (see ch3), had the largest numbers of pigs, not surprising given the need for small farmers to provide as many of their own food needs as they could manage.⁷ The decrease in the region's share of horses and pigs reflected increased activity on selected land, acquired under the Waste Lands Acts, in the north west and the north east of the colony, as well as migration westwards by farmers seeking greener pastures.⁸

Central North farmers were active cultivators of the land. The Central North contained just under 40% of the total cultivated acreage for the colony in 1871, although by 1901 the share had decreased to 27% (see Table 4.3), a pattern of diminution resulting from, as mentioned above, the spread of

farming activity into other parts of the colony. Although the region's share of the colony's cultivated land decreased during the second half of the century, the Central North's farmers managed a gradual increase in acres under cultivation between 1871 and 1891, followed by a slight drop in 1901. The acreage under cultivation increased from 131,000 in 1871 to 156,500 in 1891, then decreased to 156,275 in 1901.⁹

Table 4.3: Cultivated acreages, Tasmania's Central North, 1871-1901

	1871	1881	1891	1901
Longford	30,397	40,289	46,046	44,429
Evandale	20,315	21,187	15,976	17,675
Westbury	49,106	42,827	44,706	48,366
Deloraine	<u>31,160</u>	<u>36,653</u>	<u>49,686</u>	<u>45,804</u>
Total	130,978	140,956	156,414	156,274
Colony	330,257	373,299	516,930	573,684
Region's % of total	40%	38%	30%	27%

Source: Statistics of Tasmania, 1871, 1881, 1891, 1901

The most widely cultivated crop in the Central North was 'artificial grass', or imported pasture. In each of the four years analysed, artificial grass accounted for just under 30% of the total cultivated acreage. The cultivation of grass for hay production was a smaller although still important crop too, accounting for between 6% and 14% of the cultivated land. When combined, the two fodder crops accounted for 36% of the total cultivated acreage in 1871 and 43% in 1901. Despite what seems to have been a never-ending supply of market, climate and disease problems,¹⁰ wheat held its position as the most favoured grain crop through the century, although its share of the region's cultivated land diminished as the century drew to a close. A 20% share in 1871 had decreased to 14% in 1901. The Central North, in fact, was the major wheat growing region in the colony; of the 643,000 bushels produced in the colony in 1890-91, 350,000 or 54.5% were grown there. Westbury and Longford were the leading districts, growing 124,000 and 116,000 bushels respectively; Evandale grew 65,000 bushels and Deloraine 43,000. Oats accounted for 4-12% of the region's cultivated land. In the final years of the century, potatoes and peas made a very minor appearance. Apart from a concentration of potatoes and peas in Deloraine and Westbury, district

cultivation profiles generally accorded with the regional profile, with the further exception that in Longford the acreage of wheat had outstripped that of artificial grass by the final decade of the century.¹¹

Some medium-sized pastoralists, John Whitehead, for example, retained elements of yeoman agriculture in their farm economies. Whitehead farmed the 1,100 acre property Winburn in the Evandale district. Formerly owned by James Cox, Winburn was rented by Whitehead until he purchased the property in the late 1860s. Whitehead owned 880 of Winburn's 1,100 acres, and he leased the remaining 220 acres. Normally he cultivated some 25-30 acres, less than 5% of his property. Mostly he grew grass for hay production, sometimes growing grain with the grass. Whitehead cut hay and corn for his horses and straw for their bedding; and he cultivated a vegetable garden and a wide range of stone and berry fruits. He grew only a small amount of wheat. The wheat was threshed by hand and either sold at auction in Launceston or used to feed fowls. In 1876-77 the wheat crop was very poor. That year Whitehead 'got a stack of nice hay enough for my horses and a bit of wheat for seed and to feed the fowls', but had to buy '200 bushels of oats at 4/6 for my horses and all the flour we use'.¹² In poor years then, Whitehead was unable to produce his grain needs for stock or domestic use. Whitehead did not pursue grain cropping or more intensive cultivation more vigorously because agriculture was far less profitable than wool and cattle production.

The farm profiles of six tenant farmers in the Deloraine district with farms ranging in size from 50 to 204 acres provide an instructive contrast to Whitehead's farm economy. The profiles are based on five years between 1871 and 1892 for which detailed returns are available. The profiles, which are fairly typical of the majority of tenant farmers, suggest a culture of yeoman agriculture. More generally, given the size of tenancies and the longstanding poverty of agriculture, the profiles suggest a need to achieve some measure of self-sufficiency, and for larger tenants the possibility of a return from cash crops or small flocks of sheep. All six tenants grew grains, pasture and vegetable crops, kept the full range of farm animals, and grew fruit and vegetables for domestic use. The favoured grains were wheat, oats and barley, and vegetable crops included potatoes, peas and turnips. All six kept a few each of cattle, sheep, pigs and horses, although a couple of the larger farmers ran small flocks of sheep.¹³

Even tenants with as little as 20 acres illustrate the changing profile across the region. Thomas Randall was a tenant at Drumreagh. Drumreagh is close to Deloraine township, fronts the Meander River, and has fertile black soil. In 1871 Randall cropped seven acres of wheat, by hand, and in 1872 five acres of wheat and two of oats. His return was a low 10 bushels per acre. In 1878 Randall grew no grain but produced seven tons of hay from his seven acres of cultivated land. He had kept a few cattle and pigs in the earlier years, but by 1878 had acquired ten each of milch cows and pigs. Randall consistently grew an acre of potatoes, yielding from 2-5 tons per acre. He grew quarter acre plots of peas, carrots and turnips in 1872, and three acres of peas in 1878. Randall's farm activity had decreased markedly by 1883, suggesting illness, old age, or debt. Certainly during the 1870s no one could accuse Randall of being lazy.¹⁴

Making a profit

Farming profitability was shaped by several factors, including market demands, especially from outside Tasmania, government policies, and conditions and practices at the local level. Wool growing was consistently profitable. The extensive and relatively dry plains of Longford and Evandale were ideal for fine wool production, and from the early 1820s a reliable market persisted in England. Cattle prices were often high, but tended to fluctuate, sometimes wildly. But for grain croppers and meat producers the story was quite different; they endured a history of unprofitability, leavened occasionally by good and sometimes extravagant prices. Low prices, contracting markets, an unreliable climate, a dearth of development capital, widespread soil exhaustion,¹⁵ and the impact of pests and diseases all played some role in maintaining agricultural poverty.

In 1847 one observer rather melodramatically blamed the colony's agricultural woes on the high cost and poor quality of convict labour. Under the probation system

our farmers now
Scarce make a living from the land they plough,
Our fields uncultivat'd, since they will not pay,
Our farm buildings hastening to decay,
Improvements at an end; no more we view
Fresh farms arise where forests lately grew,
But sad reverse! by Patriots to be mourn'd,
Our fertile fields are into sheep walks turn'd,
Our earliest settlers forced to quit the soil
On which they spent their means, and years of toil...¹⁶

Similar sentiments were still current in the 1880s. John Whitehead could not understand what became 'of all the young fellows and girls that grow up but at present both domestic and farm servants are very hard to get or rather they cannot be got at all'.¹⁷ In 1882, the Hobart *Mercury*, commenting on the findings of a Select Committee into Immigration, complained the colony was burdened 'with the curse of a too large proportion of people who hate to work, and who, if for one or two days labour they can secure food, are content to remain idle for the rest of the week'. Wages were too high, thought the *Mercury*, and much labour of 'inferior quality'. Edward Braddon told the same Committee there was 'a great dearth of all description of labour, especially female domestic servants'; farmers were compelled to accept 'any sort of labour' because the demand was well in excess of the supply.¹⁸ Given that wages were generally half those in Victoria and the repressive nature of the ruling master and servant legislation,¹⁹ the scarcity is not surprising. Scarcity of labour and its supposed poor quality, however, was not a major cause of agricultural poverty.

More realistically, the colony's economic vulnerability was shaped by an over-reliance on export markets. Tasmania's small size and limited population meant that only a limited home market existed for local produce.²⁰ Economic prosperity in the Central North, as elsewhere in Tasmania, was thus closely linked to the availability of external markets, especially in Melbourne, New Zealand and in the case of wool, England. This small home market and the over-reliance on external markets left Tasmanian farmers particularly vulnerable to changes in demand. Changes in demand were exacerbated by a repeating cycle of depression and recovery. Farmers enjoyed high demand in the early 1840s but suffered in the depression of the mid-1840s.²¹ Gold discoveries in Victoria in the early 1850s created a huge demand for livestock and other produce from northern Tasmania, and it was during this period that many of the region's townships experienced a rush of development. Daniel Griffen observed that the Western farmers rejoiced in the 'golden fifties' and thought they would 'never again see a bad day'. Wheat brought 20/- per bushel, potatoes 20 pounds per ton, just-halted draught colts 100 pounds apiece, and paling splitters made up to 50/- per day. Depression from the late 1850s until the mid 1870s, however, savaged local economies and soon took the smiles from farmers' faces. As Griffen noted, 'the wisest can see no further ahead than the most foolish'.²² An uneven recovery followed, prompted by the 1880s discovery of minerals in the north-

east and the west of the colony and Launceston's role as entrepot for the new industry. By this time the newly developed agricultural lands in Port Sorell and other places in the north west of the colony provided competition for farmers in the Central North, thus limiting any increased demand for its products. The recovery, if one actually occurred, was shortlived, snuffed out by the severe depression of the early 1890s.²³

Farming profitability was dependent upon the ability of farmers to adapt their derivative British practices to the farming resource in Tasmania. Once it was clear a market for wool existed in England,²⁴ the wealthier Van Diemen's Land colonists wasted little time adapting British grazing practices to the indigenous resource, utilising large tracts of land in single operations. There is no doubt that wool production was the consistently most profitable farming activity during the nineteenth century. Towards the end of the 1830s, an observer noted

while poverty bows down the head of the farmer, wealth smiles in the face of the grazier [because sheep] wander over wild estates, crop the spontaneous herbage of the earth, and yield a great income by their annual clip of wool.²⁵

Wool growers did well through the century, although graziers were not immune from the impact of depression. In the 1860s Richard Dry encountered severe financial difficulties and William Archer was forced to mortgage his Cheshunt Estate. Part of Cheshunt was mortgaged to James Youl of Longford for 5,000 pounds, the remainder to Alfred Dunn of Hobart for 8,000 pounds. Both mortgages were redeemed in 1873.²⁶ Robson confirms that generally the period from 1870 to 1890 saw major advances in economic output in Tasmania; exports increased in value from 650,000 pounds to 1.5 million pounds, largely due to an increase in demand for and production of wool.²⁷ As John Whitehead noted in 1877 in a letter to his friend Edwin Bowring 'We lick the world with fine wool sheep'.²⁸ Despite Whitehead's boast, wool prices sometimes did fall in non-depression periods. In 1876 prices were around 30% lower for all classes of wool than in the previous year. Whitehead expressed concern that 'some of the station owners will have a hard time of it, even here some people have bought and rented land at very high prices and to them the great fall in wool will be very serious'. As a farmer whose very sound prosperity rested on an historically reliable market for wool, Whitehead should have had more faith in the industry's resilience. In November of the same year he was able to write that

wool prices had rallied again — the 'great fall' was shortlived.²⁹ Many larger pastoralists used the practice of trans-humance to enhance their profitability. Transhumance involved the renting of large tracts of crown land on the high country of the central plateau, to the south of the Central North, and depasturing stock there during the summer months. This practice provided cheap land to large graziers and enabled them to rest their low country pastures in the often dry summers.³⁰

Livestock prices were not as consistent as those for wool, but cattle and wool sheep often returned a good price, especially for farmers such as Whitehead who topped up their main income from wool with the sale of livestock. Prices for cattle and sheep varied depending on availability and market demand at any given time, on the identity of the vendor, and on the quality of the stock. Prices for wool sheep sometimes were high enough to give a major boost to a farmer's income. In 1873, for example, Whitehead sold William Archer, newly released from the clutches of his creditors, a ram for 300 pounds, 150 ewes for 10 pounds per head, and ram lambs for 6 pounds per head, most of it surplus to Whitehead's future plans. At the same time Hereford cattle were worth 80 to 100 pounds per head and were difficult to buy, demand outstripping supply.³¹ Given that a full time farm labourer earned around 25 pounds per year plus board and lodgings (see Ch9), these prices delivered considerable prosperity to farmers such as Whitehead. High prices, however, came and went. In 1878, Whitehead sold six fat steers in Hobart for an average price of 10 pounds each. Cattle prices suffered because of the low price of meat imported from Melbourne. Carcase beef was brought from Melbourne to Launceston in 1879, good cuts selling for 3d per lb. Meanwhile, Tasmanian butchers were selling Tasmanian roasting beef for 8d per lb and boiling beef for 6d per lb.³² For those farmers, such as small cropping tenants, who relied on livestock sales as an essential part of their income, a regular living wage was often elusive. In 1872, for example, the demand for sheep, cattle, pigs and horses was greatly improved, the prices almost double those of preceding years. Pigs were supplied to Melbourne, and draught horses to Melbourne and New Zealand. As a result, the region's farmers were 'in better heart this year'.³³

Regular prosperity enhanced the decision-making power of successful graziers and enabled them to create wealth in areas other than wool production. Breeding stud sheep, leasing pastoral tenancies, private money-lending and cash investments were favourite strategies in the Longford and

Evandale districts. By the 1880s breeding and selling stud merino rams had become very profitable. Whitehead thought that 'Stud Merino sheep breeding seems to be the best thing out in pastoral pursuits here now. Over 1,000 were sent to Sydney a few days ago and at public sales bring extreme prices'. In the Longford district William Gibson and his son were leaders in this branch of the pastoral industry. During 1881 alone the family sold stud sheep for in excess of 10,000 pounds. Vigorous land acquisition accompanied this success. The Gibsons pursued a methodical and highly organised approach in their breeding enterprise. The ewes were kept in small paddocks full of grass, each with an open shed and sheep troughs in which was daily put a pint of oats for each sheep. Each sheep was also fed one large mangold (a Eurasian variety of beet usually grown as cattle fodder) each day. The lambs when weaned were fed the same way, as were the rams until sold. Around 20 ewes were put with one ram at a time, for about 16 days; the ram was then given a week's rest before being returned to work in the same way, the process being repeated from early November until the end of March each season. Whitehead, however, had an ambivalent attitude to stud ram breeding. The prices at the Sydney sale to which the 1,000 rams were sent were 'fair to mideling [sic] but nothing sensational. The whole thing is a complete swindle'. Half an inch of wool had been left on each sheep, and they had been fed up with hay, crushed oats and carrots. James Cox junior, 'like the fool he is', bought four of the rams and brought them back to Tasmania. At a further sale some two months later, in October 1882, William Gibson and his son James 'got very high prices in Melbourne for stud sheep by auction'. The rams were popular in Sydney and Melbourne due to the fineness of Tasmanian merino wool.³⁴

A vigorous trade in pastoral tenancies enabled large owners to earn tidy sums for little effort. In 1876, at the beginning of emergence from depression, the Longford pastoral property Douglas Park was leased for 1,400 pounds per annum, whereas five years earlier it had brought 700 pounds. Similarly Kingston was let for 1,500 pounds per annum against 700 pounds five years previously. In 1879 Woolmers was let by its trustees in three lots, one to Joseph Archer, one to W.H. Archer and one to Herbert Gatenby of Rhodes for a total of 2,230 pounds. The 3,100 acre Longford property Strathmore, formerly owned by the Cox family and 'now in a dreadful state with briers and gorse' was let by tender in 1877 for 750 pounds per annum, against 500 pounds for the previous seven years.³⁵ A chronic

shortage of investment funds offered those with spare cash attractive opportunities. When colonial banks raised their interest levels in 1878, Whitehead, who saw himself as a lender rather than a depositor, persuaded the Launceston Corporation to increase interest on his investment of 'several thousands' from 5.5 to 6%. The following year banks in Tasmania were forced to raise their interest rates further in a vain attempt to stem a flow of funds to Melbourne, where money had become 'tight'. Whitehead also made a tidy return from private money-lending, especially during the long depression of the 1860s and 1870s. A loan to a farmer called Brumby realised 2,362 pounds in interest over 16 years, at which point Brumby asked for a reduction to 6%. By 1875, Whitehead had received 2,514 pounds in interest from John Massey on a loan of 2,100 pounds. In 1878 Massey was 'a long way behind with his interest' and asked Whitehead for more money on his property Ellerslie. Whitehead refused, noting that he did not like 'to put on the screw', but since money was 'scarce and dear...I shall have to put the screw on Massey at last'.³⁶

*

Over the century, the change from an interventionist approach by government to a persistent free trade policy impacted on agricultural profitability. In the early decades of colonisation the local commissariat store, which purchased produce, often at generous fixed prices, and the often starving beachhead at Sydney provided a reasonably regular market for wheat growers. Much of the money made, however, was siphoned away by opportunistic merchants, including William Field.³⁷ Farmers were also provided with direct government assistance in the early years. Apart from cheap land and labour, early grantees were provided with tools, provisions, seed, clothing, exemption from taxes for extended periods, and livestock on credit.³⁸ But the days of government largesse and reliable external markets did not last. Cheap labour continued to be a feature of Tasmania's farm economy until transportation ceased in the mid-1850s, but by then the market reigned supreme and agricultural producers were left to fend for themselves. After the 1850s boom, prices for grains and meat sheep, the mainstays for many tenant farmers, were consistently low until the end of the century. In the 1860s circumstances were grim enough to force some farmers to vacate their tenancies. In April 1863 Charles Phillips, a tenant farmer on 300 acres of Cheshunt Estate, approached his landlord William Archer 'about giving up his farm'. After some discussion, Archer 'consented to let him go & to thrash



An early flour mill at Glenore on the River Liffey.



The Scone Mills, Perth, 1865. The Central North had many mills for grinding the large quantities of wheat produced in the region.

[sic] his grain', on the payment of 60 pounds. Archer remarked that Phillips 'would do no good there, and I shall make as much as his rent by depasturing stock on the land'.³⁹ In 1869 the Evandale collector of agricultural returns wrote that low prices for grains 'are causing some, and I fear will cause more insolvencies amongst the tenant farmers, whose prospects cannot be said to be very bright'.⁴⁰

The 1870s, which incorporate the tail of depression and the beginning of recovery, illustrate the unprofitability of grain cropping. Despite emergence from depression, little improvement in prices for grains occurred, inducing some farmers to abandon cropping in favour of stock raising. In 1872-3 good prices for cattle and sheep encouraged many Deloraine farmers to make the shift to stock breeding, 'finding it more remunerative than Agriculture'.⁴¹ In 1875 Whitehead wondered how the 'poor devils who depend on agriculture...with wheat at 3/6 a bushel' would survive. In May 1878 he wrote that 'all kinds of agricultural produce is much lower in price than was expected except hay which is 7 pounds a ton'. A couple of months later Whitehead again wrote that 'Agricultural produce is not nearly so high as was expected so the poor farmers are having a bad time of it'.⁴² In 1879, collector of agricultural statistics Myles Mahoney noted that low grain prices induced many Westbury farmers to mow crops for hay, further suggesting a shift to grazing. The following year was no better. In 1880 Mahoney explained that farming in Westbury and adjoining districts 'is very unremunerative at present. For years grain growing has not paid. The agricultural interests require fostering and helping in every possible way'.⁴³ The shift from cropping to stock raising which occurred in the early 1870s was part of a wider process of changing land use which occurred through the century across northern Tasmania. As colonisation moved westwards across northern Tasmania, soil exhaustion and low prices induced many wheat farmers to shift to grazing. Early Longford agriculturalists were soon supplanted in importance by pastoralists; the decline in cropping in Westbury and Deloraine in the 1870s occurred in parallel with the emergence of cropping in the colony's Northwest. Even in the Northwest many croppers were forced to shift to small scale husbandry.⁴⁴

Only during occasional periods of peak demand was wheat growing profitable; for most of the period wheat croppers struggled to make fair returns. In 1847 Exton landholder Samuel Martin, in defence of his support for transportation, argued wheat cropping was profitable only while cheap

convict labour was available.⁴⁵ After the heady days of the Victorian gold rush, some blamed the Victorian protection policy. Thomas Field could see the problem in 1863, and in 1871 Whitehead suggested the tariffs of the other colonies 'shut out nearly all our produce and we cannot consume it here'. In the minds of some colonists, the absence of a protection policy in Tasmania was the major factor causing low grain and meat prices. Imports from Victoria and New Zealand competed with local produce, especially wheat. Whitehead noted in 1878 that 'large quantities of wheat are coming from New Zealand to Hobt Town'.⁴⁶ These imports forced already low prices even lower. In 1888 it was 'generally admitted' that five shillings a bushel was a fair price for Tasmanian wheat. For the coming season the most 'sanguine' estimate was four shillings a bushel, and many predicted 'the price will fall to 3s 9d or even 3s 6d'. Given the likely production of 600,000 bushels, this meant, 'after allowing for a reasonable profit...farmers will obtain 45,000 pounds less for their wheat than it has cost them to produce it'.⁴⁷ Improved prices could only result from exports or from the imposition of protective tariffs sufficient to ensure profitability.⁴⁸

Simply, Tasmanian wheat farmers were annually producing a crop for which the local market was small and for which the export market during the second half of the nineteenth century was continually contracting. In 1855, at the height of the Victorian demand, the export return for grains was almost 420,000 pounds, in that year outstripping even wool, which earned 379,000 pounds. By 1867 the export value of Tasmanian grains was just in excess of 99,000 pounds, although the figure increased to 202,000 pounds in the following year. But from then on, the movement was downwards. In 1881 export grains realised 24,000 pounds, and in 1890, 16,000 pounds. Through the 1890s, the value of wheat exports varied widely, almost chaotically, from a low of 24 pounds in 1897 to 32,000 pounds in 1899. In 1897, exports of oats were worth almost 82,000 pounds, yet growers still persisted with wheat as their major crop. Exporting fruit and potatoes generated far more revenue, and consistently so, through the 1890s.⁴⁹

Despite the unprofitability of wheat, many farmers continued to grow it. One is forced to wonder why more farmers did not grow oats. In 1891, for example, oats realised a 60% higher export return than did wheat.⁵⁰ There are several reasons for the persistence with wheat. Many farmers believed the Central North was ideally suited to growing wheat; high yields compared to Victoria, even in drought years, seems to support that belief. Other crops for

which there was a worthwhile export market, such as potatoes, peas and fruit, were less suited to the moderately watered open plains on which wheat was grown. Fruit and vegetables grown on open plains required irrigation, an expensive commitment beyond the reach of most tenant farmers. Some tenant farmers abandoned cropping in favour of grazing, but many would have been excluded from pursuing this option because of the cost involved in acquiring stock and the small size of many tenancies. A protracted protection campaign in the late 1880s and 1890s, conducted by wheat farmers who farmed sufficient land to shift to grazing, suggests the decision to persist with wheat was a cultural decision.⁵¹ Many wheat croppers believed they had the moral right to supply the home market, a belief rapidly losing practical relevance in the developing Australian economy. Wheat farmers was what they were and nothing was going to move them from this time-honoured vocation. As *The Colonist* put it, 'Tasmania is eminently suited to grow wheat, and has a population settled in the wheat growing districts who know their business better than any wheat-farmers in Australia.'⁵²

The situation for producers of store sheep, most of whom lived in Westbury and Deloraine, was only marginally better than for wheat growers. Occasional good years were generally overshadowed by years of low prices. In the mid 1870s, when the depression lifted, fat lambs had brought 4-5 pounds per head but by the late 1870s the prices had fallen away considerably. Only 150 of 2,000 Panshanger meat sheep sold at auction in December 1877. In the same month, of 9,000 sheep yarded at Perth only 400 sold. Whitehead believed a man could stock up a large place 'with good sound young sheep at 5 shillings a head...or even less'. In December 1878 Whitehead claimed the 'country is over stocked, the grass is short and many people cannot sell their surplus stock at all'. In early 1879 those that did sell sold for as little as 12/- per head.⁵³ Small farmers, both tenants and owners, who relied heavily on such sales, suffered greatly; for those such as the Archers selling surplus sheep, the pain was presumably of a different nature.

Small producers could do little about low prices and lack of demand, but large landowners were not always so constrained. Cressy's Thomas Field, one of William's four sons, was one wealthy pastoralist to promote his own interests. In May 1879 Whitehead claimed that Hobart butchers combined together to bring down the price of meat sheep and cattle. The butchers offered 5/6d a head for a lot of 'medium' sheep Field had sent them. Field refused the offer, had the sheep slaughtered and dressed at his own

expense, then sold the carcasses at auction for 11/- per head. In order to beat the butchers, Field became a butcher. Only men possessed of wealth and property could take such a step. In the early stages of this dispute, the butchers and some workers in the industry closed ranks. The enraged butchers refused to deal with the auctioneer employed by Field, and the auctioneer was unable to get a man at the slaughter yards to work for him. But Field soon found a willing auctioneer and slaughterman, enabling him to sell 200 sheep every Saturday at 2.5-3d per lb per carcass. Field was also selling skins for 1/9d each and the gut fat for 2.5d. James Lord and other large graziers followed suit. Field was still selling a month later in Hobart, having forced down the price by 2d per lb. Meanwhile the butchers were still trying to buy sheep 'at half price'. A few months later Whitehead was selling fat merino wethers weighing 68lbs for 3d per lb 'and with care may make a pound a head of them'.⁵⁴

*dry seasons and bushfires:
'a fiery ordeal at the insistence of Sol'*

English farmers enjoyed a moderate rainfall spread evenly over the year.⁵⁵ Agriculture in Tasmania had developed in expectation of a similar climatic regularity. The place looked like England, so there was little reason to suppose its climate would be markedly different. The colonists soon came to realise, however, that regular rainfall, despite a range of 20 to 50 inches per year from the east to the west of the region,⁵⁶ did not characterise Tasmania's climate. When he visited William Archer at Cheshunt in 1855, the Dublin botanist W.H. Harvey noted the dryness of the country. Cheshunt was 'a valuable property', he wrote, 'as there is a great command of water, for this country, on it'. While viewing the surrounding countryside from the upper slopes of Cummings Head, which overlooks Cheshunt, Harvey noted some 'clear patches in the valleys with ripe corn and all the etcetera of a fine prospect save water'.⁵⁷ Harvey may not have known, but the Central North, especially its western end, was one of the better watered agricultural regions in Tasmania, but even there, the historical record reveals frequent dry periods interspersed with heavy rainfall, both often unseasonal, and sometimes flood.

Heavy rain caused farmers a range of problems in the 1870s and early 1880s. In August 1874, 48 hours of continuous rain swept off 'sheep, cattle and produce left on low lying lands near the margins of' the Macquarie, South Esk, North Esk and Meander Rivers.⁵⁸ In 1875-76 John Whitehead's

grain was 'free from any dampness but all I have seen is much discoloured before it was cut and is very rusty. The yield will be bad, the quality not good and the prices are wretched.' Heavy rain in March of 1877 spoilt the potato crop. Whitehead moaned in November of 1879 that pasture growth was 'so abundant I don't know what we poor Settlers will do with our fat cattle and sheep, they will not be worth an old song.' In late February 1882 a heavy rain, 5.25 inches in 46 hours, fell all over the country, producing the highest flood 'ever' to flow down the Nile River. The flood did much damage to roads and bridges around Lymington and spoilt two thirds of all grain and hay.⁵⁹

While excessive rainfall was sometimes a problem, the impact of dry seasons on agricultural profitability was more regularly severe. A paucity of feed in Evandale in the winter of 1868, for example, forced many farmers to consider selling their stock although the 'extreme low price' of sheep caused many owners to refrain from selling. An early season dry spell in 1868-69 in Deloraine caused low yields, especially in the oat crop. Following late rain, 'an undergrowth sprang up, which, in many cases, rendered the sample very inferior'. The wheat crop was reduced, but 'there being an entire absence of rust, the sample was very fine'.⁶⁰ Whitehead claimed the winter of 1875 was one of the driest since the 1850s. 'Much of the grain sown', he wrote, 'is rotting in the ground for want of moisture and this is mid winter'.⁶¹ In 1880 the Longford collector noted 'the long and continued drought has materially affected the yield of the various crops throughout the district'. Frost, especially in Deloraine, was a serious problem for both pastoralists and agriculturalists. The Deloraine collector believed late planting in Deloraine, caused by the threat of spring frost, made the district particularly vulnerable to drought. In 1871 severe late frosts in Deloraine caused a partial failure in the grain crop.⁶²

In some years low prices and prolonged dry weather combined to cause havoc for farmers, especially tenant farmers, demonstrating the capacity of nature to frustrate agricultural man's aspirations. 1888 was one such year. The Westbury correspondent for the Launceston weekly *The Colonist* claimed that 40 years had passed 'were such severe times known in and around this town'. Yields that season, restricted by a severe and prolonged dry season, were disastrous. Scarcely a district or a crop produced 'an average even equal to the lowest hitherto recorded'. In previous years, failures in certain crops had usually been offset by 'some compensating advantage'; the 1888 season had no such 'silver linings to the cloud which overshadows every branch of the agricultural industry...Poor yields and low prices make

this one of the most disastrous years which has been experienced by Tasmanian farmers'. Wheat yields may not have been as low as the agricultural editor claimed. The Exton correspondent reported, for example, that yields in Exton that year were 15-30 bushels per acre, well within the average range. The oat crop in Exton, however, was poor; much of it was 'left standing on the ground, because it would not pay to cut'. Potatoes were 'past help in nearly all the larger centres of cultivation'. One Westbury farmer, who had long been noted for excellent yields, was not even digging because the yields were 'too small to pay for the labor'. Dairy farmers were badly affected. One dairy which normally averaged 3-4lbs of butter in the autumn was then averaging less than one pound. Perhaps the greatest sufferers were those depending on milch cows, 'particularly those who kept them for their milk walks'. Many of these farmers had been forced to limit their rounds, 'leaving all but their very best customers without milk'.⁶³

The scarcity of water had other impacts which intensified the hardship experienced by small farmers. Most farmers in the Hagley district had to carry water from the Meander River for home purposes. This was 'a deal of extra work' and the water 'unpalatable', the river being below normal summer level. Sheep and cattle seeking water were getting stuck in the Meander River near Hagley. Stock owners had to daily patrol the river, pulling out both cattle and sheep 'and as a great many bodies have been left in the water, people cannot tolerate the thought of drinking it'. Those unable or unwilling to cart water had to pay for it, the price forming 'a heavy item in the expenditure of the good folk' of Westbury township. Pasture grasses, 'being eaten right down to the ground', were close to non-existent all over northern Tasmania; the grass was showing some signs of growth but frost cut it down 'as fast as it grows'. Given the poor condition of stock, the limited likelihood of autumn or winter growth meant that 'on many of the runs, there will be thousands of sheep and cattle lost in addition to those which have already perished'. The paucity of feed and water was 'greatly affecting the sale of store stock', which were difficult to sell 'even at greatly reduced prices'. The prospect of a severe winter encouraged some farmers, fearful of their fat stock losing condition, to put such stock on the market, further reducing prices. Most farmers were unable to prepare their paddocks for autumn planting, 'the fallow land being so very hard underneath, and the lea land so hard on top, it is impossible to touch it'. In any case, there was no point

planting the coming season's wheat 'as the ground hardly contains sufficient moisture to enable the wheat plants to obtain root-hold'.⁶⁴

Drought had its impacts on others whose fortunes closely attended those of farmers. With farmers on low incomes, many local businesses were affected, often being forced to extend credit to customers. Many were unable, or unwilling to pay their bills. In June 1888, the Deloraine Court of General Sessions heard charges brought by John Bennett's trustees against eight defendants for non-payment of debts ranging from 21/- for goods sold and delivered, to 22 pounds and four pence drawn by John Bennett and allegedly accepted by the defendant. Even in death, creditors came after the poor.⁶⁵ Drought also impacted on grain millers. Reduced stream flows meant many water mills were left idle. Those millers able to grind wheat had been 'compelled to adopt what is in Tasmania a somewhat unusual proceeding, that is to damp the wheat before placing it in the hopper'. This was necessary because the grain was so dry that it crushed very finely, making separation of the bran difficult. Damping toughened the grain, rendering the silk dresser capable of separating the bran.⁶⁶

Bushfires compounded the problems produced by drought. In February 1877 John Whitehead wrote that 'the country was on fire everywhere', much of it caused by the engines travelling on the Main Line Railway. A month later Whitehead noted 'The weather is very dry, no rain since my last and half this side of the country has been burnt since I wrote you last.' Again in mid February the 'country is very dry and bush fires everywhere' but by mid March 'We have had a glorious rain, it put out all the bushfires and the grass is now growing rapidly.'⁶⁷ *The Colonist's* Westbury correspondent eloquently reported in 1888 that 'our farmers and agriculturalists are undergoing a fiery ordeal at the insistence of Sol, who supplies fire and heat, but no water... On some occasions', the writer continued, 'Lord Macauley's [sic] description of the Robicund [sic] after the Indian wars of Warren Hastings, may be verified by our Westbury districts, for in all truth commerce is languishing, and many a time and oft the whole country in a blaze'. A short distance away, bushfires were extensive in the Exton district, some farmers suffering 'very severely'. One farmer had his wheat and potato crops destroyed, others had fences around crops burned and in some cases 'the standing rung trees have caught fire'. One new fence enclosing 70 acres was completely destroyed. In the view of *The Colonist's* Exton correspondent, the fires resulted from one of two causes: 'Some people

burn their bush to improve the feed for the next year, while some set fire to the bush for mischief only'. The Westbury correspondent blamed errant hunters; sometimes a spark from the railway engine might cause a blaze, but more often

a gamin with the heart of an incendiary, and anxious for a blaze, though of stake in the country, he has not wherewith to sod a lark, will do damage to the extent of hundreds of pounds sterling, anon, the spontaneous combustion of Dickens will assert itself and cause proud saplings that hitherto defied the blast of winter, and the decay of autumn, to come toppling to the ground, bearing in their train brushwood and deadwood to strew the arid ground.

On a more respectful, even fearful note, the Westbury correspondent observed a 'weird appearance does our town present every night for the past few weeks. The smoke, flame, and glare of the bush fires and burning logs all around, is dreadful and terrible to behold'.⁶⁸ At the other extreme, snow was sometimes a problem. In September 1880 Whitehead travelled through snow from Jerusalem, in the Central Midlands, to Evandale. At Campbelltown the snow was five inches thick, at Willi's Corner 8 inches. Apart from inducing in Whitehead 'a severe cold', the snow 'killed thousands of lambs as nearly every ones sheep were in the midst of dropping'.⁶⁹ The farmers' capacity to harness nature to their grand purpose was always subject to such vagaries. Through the late 1860s and into the early 1880s then, the anticipated seasonal consistency was distorted by natural processes over which the farmer had little control.

Pests and diseases

The threat to agricultural profitability posed by low prices, small markets and dry seasons was regularly exacerbated by a range of exotic pests and diseases. Scab, rabbits and Californian thistles were major concerns. By the late 1860s, opinion was divided concerning the threat of scab to the colony's sheep. Many graziers claimed its incidence threatened continued profitability on many properties. Scab was certainly a problem in Westbury in the 1870s. An 1874 outbreak of scab in small flocks prompted Myles Mahoney to suggest publicly owned sheep dips be built at the Westbury and Carrick sale yards.⁷⁰ Others believed the incidence of scab and the extent of losses incurred were exaggerated.⁷¹ Fluke, a disease affecting sheep's livers, was also a major problem, especially in the wetter districts of Deloraine and Westbury. Fluke was such a problem that in 1869 a Royal Commission was

held to inquire into the nature and extent of the problem and to suggest methods to combat it.⁷² The problem still existed six years later, especially in the western end of the region. Evandale grazier John Whitehead wrote in 1875 that 'Thousands of sheep have died and are now dying at the Westward from liver rot caused by the very wet summer we had. No one about here have lost any yet'.⁷³

In the 1860s and 1870s many colonists regarded thistles, believed to have entered the colony in shipments of Californian grain, as a serious threat to agriculture.⁷⁴ The Governor's speech at the opening of the 1859 parliament referred to the need to eradicate thistles.⁷⁵ By 1869 many farms in the Deloraine district had become overrun with thistles, causing reductions in the yields of grain.⁷⁶ In the summer of 1872-73 thistles were abundant in Evandale, and in 1881 they went to seed, 'which never happened here before'.⁷⁷ In addition to thistles, various other weeds presented problems at various times. Stinging nettles killed a horse at Dunorlan in 1847.⁷⁸ 'Infestations' of fireweed were a problem for selectors in the early years after forest clearance and burning.⁷⁹ In the spring of 1879 dandelion had taken 'complete possession' of the cultivated land on Panshanger, at Longford, after some years of the land not being ploughed. In the late winter of 1881 John Whitehead had ten men at work and was spending 'a lot of money on my Clarendon purchase grubbing Gorse Briers etc and putting up new post and rail boundary fences'.⁸⁰

As they were across the Australian colonies,⁸¹ rabbits were often a problem, more so in times of drought when competition for feed affected carrying capacity. One Longford farmer in the 1870s saw his land's normal carrying capacity dramatically reduced. Where he used to keep and lamb 800 sheep 'he says now 400 weaners will starve on it'. In March 1878 rabbits were thick on Symmons Plains, south of Perth. The Youl family 'killed 1,000 there last week and is sending 600 to Launceston every week'. John Whitehead feared the 'wretched things will take possession of the country everywhere.' In the winter of 1878 a small flood down the Nile drowned thousands of rabbits. Whitehead sent three men across the river just opposite his sheep wash 'and they killed 54 with dogs and sticks in an hour'. The practice of planting gorse hedges, themselves a problem as they spread onto paddocks, compounded the rabbit problem. Rabbits dug their burrows under these hedges. To get rid of rabbits, Whitehead set about removing the gorse hedges on his properties and replacing them with post and rail fences. At 10/-

per rod the process was expensive but Whitehead and Joseph Archer both took this course of action. Whitehead thought it the only way 'to destroy the harbour for rabbits, hundreds of the little brutes are over the river on Woods marsh'.⁸² At the Westward, 'an over supply' of rabbits inhabited Chudleigh, and the pest was 'very plentiful in the old gorse fences' in Deloraine in the late 1880s. Daniel Griffen thought a law should be passed to compel farmers to limit their hedges to a chain in width.⁸³ In 1886 the Chief Inspector of Sheep, Thomas Tabart, reported that rabbits were worst in the north of the island. Not only was profitability threatened, the land was being stripped of its herbage and poisoned by the rabbits' excreta. Many farmers considered the increase in rabbits 'as tantamount to the abandonment of farming operations', but inexplicably some asserted rabbits were a boon, affording sport and a table luxury.⁸⁴ In 1893 rabbits reached plague proportions, especially in Deloraine and Westbury. There were 500 infested properties in the two districts, 400 of them in Deloraine, as well as 10,000 infested acres of crown land.⁸⁵

Rust was a scourge for wheatgrowers. In 1868 rust was very prevalent in the Deloraine wheat crop. 'In some instances growers realised less than [a quarter] of reasonable expectations.' The heaviest crops were most affected.⁸⁶ The Bishopsbourne swamps were a favorite breeding ground for caterpillars, which regularly feasted on local grain crops and pastures. In 1873 one farmer's paddocks of English grass were 'shorn as bare as if operated on by a lawn mower'.⁸⁷ In 1879 the Westbury wheat and oat crops were good but the barley crop suffered from 'the ravages of the caterpillar; one half of the crop on some farms has been destroyed by this insect'. In the same year the potato crop on many farms was attacked by the potato grub.⁸⁸ Drought, rust and the potato grub represented further threats to farm profitability in 1880-81. The dry season in Deloraine, for example, reduced the yields of wheat, barley, oats and pease. Potatoes suffered too from the dry season and rust 'did great damage to the wheat crop'.⁸⁹ Fodder crops for stock were also susceptible to insect attack.⁹⁰

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The continuing disasters of drought, low prices, bushfires and unseasonal rains diminished farmers' morale. Observers noted a state of despondency among many farmers. Due to rust in the wheat crop and low prices in 1874, Longford 'tenant farmers, as a general rule...[appeared]...in a low and desponding state', and were reluctant 'to furnish information so



Myles Mahoney, Westbury superintendent of police, collector of agricultural statistics, and sympathetic observer of farm life.

willingly as heretofore'.⁹¹ In 1888, where they could, farmers went ahead with preparing the ground and planting the seed for the next season, but 'the work is being done in a cheap, half-hearted, despondent manner'. At the end of May 1888 Deloraine farmers had 'one feeling left, that of hope; if it were not for this they would in many cases be led to give up in despair [sic]'. Hope, if it could be nourished, would breed stoic optimism. Despite 'the very trying times that farmers have had, crops having been poor, stock-dealing and fattening, even where it has been carried on in a legitimate manner, having resulted in loss, and dairying having given such an unusually small quantity, it will be well for us to bestir ourselves and hope for better days'.⁹²

Conclusion

Small farmers Tasmania's Central North sought to impose British traditions and practices onto the land, but their ability to adapt those practices to market, botanical and climatic realities of local districts varied. Working within the traditions of independent yeomanry, many small farmers struggled to adapt to colonial circumstances. The insistence on growing wheat, a consistently uneconomic crop, suggests an inability or unwillingness to cast aside British farming culture; the chronic absence of development capital compounded the problem. On the other hand, the development of pastoralism illustrates a capacity to adapt British husbandry traditions to the characteristics of nature in Tasmania's Central North and market realities in Britain. The wide, relatively dry plains and the sweet native pastures were ideal for large scale sheep grazing and supplementary cattle grazing. Later in the century, especially after 1870, British ideas about land use and farm management generally interacted with factors such as nature and markets to create a distinctive farming profile. Many farmers in the Central North, for example, abandoned wheat in favour of grazing, and later dairying and potato growing.

The uneven profitability of the farm economy in Tasmania's Central North helped consolidate the hierarchical class structure and an uneven distribution of land and wealth. In the sphere of colonial market economics, sheep graziers enjoyed consistent prosperity, but erratic demand and regular low prices, especially for grains, conspired to consign many small farmers to a constant struggle for viability. Denied prosperity, most had little option but to confine their energies to the dreary business of survival. The monopolisation of land and capital, the prosperity of wool growing, and the incidence of landlordism meant privileged elites also monopolised the power to make

substantial economic decisions. In addition, nature in the Central North, despite its ambience of pastoral munificence, was not as amenable to agriculture as the colonists had imagined. The forces of nature often frustrated farmers' aspirations, whether those aspirations were to harness nature's bounty or subdue its independence.

The general impression is that even less than the 27-30% of the land used for agriculture in Longford, Westbury and Deloraine was suited to cropping. A Deloraine correspondent feared in 1888 that 'in most cases the position of farmers is such that they need fair seasons every year to make things balance, and enable them to settle the various claims landlords, shopkeepers, and other business people have upon them'.⁹³ Much of the Central North, except perhaps for isolated localities, was more suited to grazing. The gradual shift to grazing throughout the century suggests as much. So the privileged land distribution, the market, and nature together conspired to consolidate the prosperity and hence the power of landed elites, and the disempowered poverty of many agriculturalists. Not all small farmers, however, acquiesced in their disempowerment. The next chapter tells their story.

Notes

¹ *Daily Telegraph*, 28 April 1888

² Morgan, *Land Settlement*, Chs 4 and 5

³ Peter Scott, 'Farming', in J.L. Davies, *Atlas of Tasmania*, Hobart: Lands & Survey Dept, pp 58-65; Robson, *History of Tasmania*, vol 2, pp 265-66

⁴ Scott, 'Farming', p59

⁵ Scott, 'Farming', p59

⁶ Agricultural Returns, *ST*, 1875

⁷ calculated from Agricultural Returns, *ST*, 1871, 1881, 1891, 1901

⁸ Geoffrey Blainey, 'Population movements in Tasmania 1870-1901', *P&P*, THRA, no3, 1952, pp 64-66, 69-70; Robson, *History of Tasmania*, vol 2, pp 101-05

⁹ Agricultural Returns, *ST*, 1871, 1881, 1891, 1901

¹⁰ Climate and disease are discussed below in this chapter

¹¹ Agricultural Returns, *ST*, 1871, 1881, 1891, 1901

¹² Sprod, *Whitehead Letters*, pp 3-4, p135

¹³ Agricultural Returns, *AOT*, POL 135

¹⁴ Agricultural Returns, *POL* 135

¹⁵ See ch6

¹⁶ *Examiner*, 5 May 1847

¹⁷ Sprod, *Whitehead Letters*, p219

¹⁸ *Mercury*, 21 November 1882

¹⁹ Discussed in ch9

²⁰ Blainey, 'Population movements', p63

²¹ Robson, *History of Tasmania*, vol 2, pp 183-88

²² *Daily Telegraph*, 27 January 1894; W.A. Townsley 'Tasmania and the Great Economic Depression, 1858-72', *P&P*, THRA, vol 4/2, 1955, pp 35-46; Sprod, *Whitehead Letters*, Introduction, p11

²³ Robson, *History of Tasmania*, vol 2, pp 95, 173-78

²⁴ Scott, 'Farming', pp 58-9

²⁵ J.Dixon, *The condition and capabilities of Van Diemen's Land, as a place of emigration, being the practical experience of nearly ten year's residence in the colony*, London, 1859.

- p56, in Tim Jetson, *History of the Midlands-Central Plateau Region: printed sources*, Hobart: Centre for Tasmanian Historical Studies, 1991, p47
- ²⁶ Dry: see ch3; from William Archer diaries, in Neil Chick, *The Archers of Van Diemen's Land: a history of pioneer pastoral families*, Hobart: Pedigree Press, 1991, p169
- ²⁷ Robson, *Short History*, p51
- ²⁸ Sprod, *Whitehead Letters*, p111
- ²⁹ Sprod, *Whitehead Letters*, pp 103-4
- ³⁰ For discussions of transhumance in Tasmania see Peter Scott, 'Transhumance in Tasmania', *New Zealand Geographer*, vol 11/2, 1955, pp 155-72; Tim Jetson, *The Roof of Tasmania: a History of the Central Plateau*, Launceston: Pelion Press, 1989, ch5
- ³¹ Sprod, *Whitehead Letters*, p56
- ³² Sprod, *Whitehead Letters*, p152
- ³³ Agricultural Returns, *ST*, 1872
- ³⁴ Sprod, *Whitehead Letters*, pp 216, 206, 216-7, 220
- ³⁵ Sprod, *Whitehead Letters*, pp 97, 163, 113
- ³⁶ Sprod, *Whitehead Letters*, pp 146, 151, 56, 85, 135
- ³⁷ Robson, *History of Tasmania*, vol 1, p74
- ³⁸ Robson, *History of Tasmania*, vol 1, p114; Morgan, *Land Settlement*, Ch 2
- ³⁹ William Archer diaries, in Chick, *The Archers of Van Diemen's Land*, p169; Deloraine Valuation Roll, *HTG*, 1858
- ⁴⁰ Agricultural Returns, *ST*, 1869; The report which accompanied the 1871 return of agricultural statistics for Port Sorell, to the west of Deloraine, provides graphic illustration of the effects of the depression on small owner-farmers and tenants on newly selected land. For a fuller discussion of farming on selected land see Stokes, *North-West Tasmania*, 1969
- ⁴¹ Agricultural Returns, *ST*, 1872-3
- ⁴² Sprod, *Whitehead Letters*, pp 79, 131, 133
- ⁴³ Agricultural Returns, *ST*, 1879; 1880. Mahony's comments in the Agricultural Returns for Westbury and his evidence to the 1884 Select Committee into Police Centralisation were valuable sources of information in this study. Myles Mahoney was a member of the Irish constabulary for 10 years from 1847. He helped organise the Launceston municipal police force in 1858 and remained there seven years. He became police superintendent at Westbury in 1865, a position he held for in excess of 20 years. Possibly because of his knowledge of the treatment of Irish tenants in Ireland and the large number of Irish in Westbury, Mahoney was a sympathetic recorder of tenant experience.
- ⁴⁴ Stokes, *North-West Tasmania*, p66
- ⁴⁵ *Examiner*, 5 May 1847
- ⁴⁶ Joint Committee Report into Proposed Deloraine-Launceston Railway, *LCJ* no41 1863; Sprod, *Whitehead Letters*, pp 35, 133
- ⁴⁷ *Colonist*, 21 January 1888
- ⁴⁸ The protection issue is discussed in detail in ch5.
- ⁴⁹ Agricultural Returns, *ST*, 1901
- ⁵⁰ Agricultural Returns, *ST*, 1891
- ⁵¹ Bolton, *Spoils and Spoilers*, p13, comments on the reluctance of small farmers to change their farming habits.
- ⁵² *Colonist*, 5 May 1888. Similar sentiments were expressed in the 1820s; see Morgan, *Land Settlement*, pp 80-83
- ⁵³ Sprod, *Whitehead Letters*, pp 151, 123, 146, 151
- ⁵⁴ Sprod, *Whitehead Letters*, pp 152, 157
- ⁵⁵ Geoffrey Bolton, *Spoils and Spoilers*, p13
- ⁵⁶ J. Langford, 'Weather and Rainfall', in J.L. Davies, *Atlas of Tasmania*, p4
- ⁵⁷ In Chick, *The Archers of Van Diemen's Land*, p165
- ⁵⁸ *Examiner*, 5 August 1874
- ⁵⁹ Sprod, *Whitehead Letters*, pp 96, 117, 163, 210
- ⁶⁰ Agricultural Returns, *ST*, 1868
- ⁶¹ Sprod, *Whitehead Letters*, p86
- ⁶² Agricultural Returns, *ST*, 1871, 1880
- ⁶³ *Colonist*, 17 March & 26 May 1888
- ⁶⁴ *Colonist*, 17 March. 31 March. 7 April, 28 April 1888
- ⁶⁵ *Colonist*, 23 June 1888
- ⁶⁶ *Colonist*, 17 March 1888
- ⁶⁷ Sprod, *Whitehead Letters*, pp 113, 114

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- ⁶⁸ *Colonist*, 17 March 1888
- ⁶⁹ Sprod, *Whitehead Letters*, p177
- ⁷⁰ Agricultural Returns, *ST*, 1874
- ⁷¹ Report of the Select Committee on the Scab Bill, *HAI* no96 1869
- ⁷² Royal Commission on Fluke in Sheep, *LCJ* no32 1869
- ⁷³ Sprod, *Whitehead Letters*, p 106
- ⁷⁴ Californian Thistles: Correspondence *LCJ* no44 1870
- ⁷⁵ Robson, *Short History*, p38
- ⁷⁶ Agricultural Returns, *ST*, 1869
- ⁷⁷ Sprod, *Whitehead Letters*, pp 49, 187
- ⁷⁸ *Examiner*, 20 January 1847
- ⁷⁹ Recent Settler, *Emigration to Tasmania*, p72
- ⁸⁰ Sprod, *Whitehead Letters*, pp 161, 199
- ⁸¹ Bolton, *Spoils and Spoilers*, pp 89-90
- ⁸² Sprod, *Whitehead Letters*, pp 86, 128, 133, 158, 161
- ⁸³ *The Colonist*, 2 June 1888, 23 June 1888
- ⁸⁴ Chief Inspector of Sheep Annual Report, *LCJ* no38 1886
- ⁸⁵ Chief Inspector of Sheep Annual Report, *LCJ* no88 1892; eradication measures are discussed below in Chapter 7.
- ⁸⁶ Agricultural Returns, *ST*, 1868
- ⁸⁷ *Illustrated Tasmanian News*, November 1873
- ⁸⁸ Agricultural Returns, *ST*, 1879
- ⁸⁹ Statistician's Report, *ST*, 1880-81
- ⁹⁰ Sprod, *Whitehead Letters*, p82
- ⁹¹ Agricultural Returns, *ST*, 1874
- ⁹² *Colonist*, 12 May & 2 June 1888
- ⁹³ *Colonist*, 2 June 1888

Chapter 5

‘JUST A PAYING PRICE’ *rural politics and the radical press*

it is most distressing to hear of the many cases of honest, industrious, working farmers, who are not able to pay their way; men who have the full sympathy and help of wives and families, who work their fingers' ends off, and economise food and clothing in such a manner as a young country like ours should never be called upon to do, and whose honest pride has been humiliated, and application made for time to pay their small debts.¹

Chronic agricultural poverty was a great concern to many colonial Tasmanians, especially those in the Central North. Efforts to improve agricultural profitability revolved around three major issues: a protective tariff for wheat and reform of landlord and tenant legislation, discussed in the present chapter; agricultural improvement (see Ch 6); and the eradication of agricultural pests and diseases, discussed in Chapter 7. According to a small group of wheat farmers from Hagley and Westbury, disparagingly called ‘the Hagley clique’ by the free trade *Examiner*, the major causes of agricultural poverty were the ruling free trade policy and landlord and tenant legislation which favoured landlords at tenants’ expense.² Tasmanian farmers deferred to landlords’ power for most of the period, but in the late summer of 1887-88, the Hagley clique, cornered by low prices and drought, took their grievances into the political arena. Led by Westbury warden and tenant farmer Daniel Burke, the farmers, through public meetings, petitions, the press, local government and eventually the parliament itself, argued their prosperity depended on adequate protection for Tasmanian wheat. The free trade forces easily survived this challenge, as did local MHA and free trader Thomas Reibey. The tenants also sought a more compassionate approach to rent remissions in bad seasons and reform of the 1874 Landlord and Tenant Act.³ This local challenge to landed power featured weekly in *The Colonist*, a Launceston weekly newspaper founded in January 1888, so it was claimed, to represent farmers’ interests. *The Colonist* was published by James Brickhill, a Launceston accountant who also owned the *Daily Telegraph*, although Brickhill apparently took no part in formulating the paper’s political views.⁴ Although it folded in early 1891, *The Colonist* gave Central North wheat farmers, who grew most of the colony’s wheat, an accessible public forum in which they aired their grievances.⁵

The Hagley clique was forced into public action because the parliament was dominated by large landowners favouring free trade. The franchise favoured property and generally membership of both Houses was remarkably stable.⁶ Nowhere was this domination more evident than in the Central North. The Westbury House of Assembly seat was held by Adye Douglas from 1862-1871 and by Thomas Reibey from 1874 until 1903. Morven lower house members included John Whitehead (1869-1880), J.W. Falkiner (1882-1891), and J.C. von Steiglitz (1891-1903). William Dodery held Longford from 1861-1870 and the Legislative Council seat of Longford from 1877-1885 and Westmoreland from 1885-1907. Only the Deloraine lower house seat, with a higher turn-over and wider range of members, differed from this general pattern. Reflecting the high incidence of small farmers and a higher population relative to the other Central North districts, at least eight different members held the seat before 1900, although the local Legislative Council seat conformed to the wider pattern. F.W. Grubb held the Legislative Council seat of Meander from 1881-1911, Donald Cameron and H.I.J.R. Rooke shared North Esk from 1868 until the end of the century, and Joseph Archer held Longford from 1861 until 1872. Edward Weston then held the seat for five years before William Dodery took over. The Central North provided several premiers and numerous ministerial members, all of them large landowners. W.P. Weston, from Longford, and Richard Dry were both premiers in the 1860s; Thomas Reibey was premier for a short time in 1876-77 and Speaker for an extended period, and Adye Douglas was premier from 1884-86.⁷

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Daniel Burke is one of this story's major characters, not only for his role in the Hagley clique, but because his political and social prominence challenged property's dominance. Descended from an Anglo-Norman family which accompanied Henry II to Ireland in 1171, Daniel Burke was born into a Tipperary farming family on 26 June 1827. Owing to the great Irish depression, the Burkes emigrated to Van Diemen's Land, arriving in 1830. Denied a land grant by Governor George Arthur because he was a Catholic, Daniel's father John Burke moved his family to Stanley, where he (John) worked for the Van Diemen's Land Company, then to Launceston, where Daniel was educated, and subsequently to Port Sorrel to carry on farming. In 1845 the family moved to the Westbury district, and at the tender age of 17, Daniel became one of the first tenants, as did his father, on the Quamby estate. From 1850 until 1883 Daniel

rented Exton from John Field, and in 1885 he moved to the Adelphi estate, also in Westbury. Apparently a prosperous tenant, Burke employed a large amount of labour and produced considerable quantities of produce.

Daniel's political awakening occurred when the Irish exile John Mitchel, seeking to escape the island, was taken to Westbury. Mitchel was given harbour by Daniel and his family for some two to three weeks, after which Daniel, his brother John and several others assisted Mitchel in an ultimately successful escape. Daniel's political ambition was 'whetted' by Mitchel's escape; he 'frequently listened with rapt attention to the views of the exile, and subsequently conceived the idea of entering public life'. Burke became a member of the Exton Road Trust in 1857 and was thereafter involved in municipal life for 62 years, withdrawing only at 92 years of age because of failing hearing. He was a member of the Westbury Council for 54 years and warden for 42 years. He was a founding member and inaugural president of the Tasmanian Municipal Association, and for 54 years was a territorial magistrate, commissioner for the Supreme Court, chair of the Court of General Sessions at Westbury, and chair of the local Licensing Board. In parliament, Burke was a consistent supporter of Sir Elliot Lewis and a consistent opponent of federation. He helped found the Westbury Agricultural Society in 1863, was its secretary for 21 years, and he was inaugural president of the local ploughing association. For recreation, Dan 'hunted with the hounds', for many years was Tasmania's champion ploughman, and was the winner of several inter-colonial ploughing matches.⁸ Daniel celebrated his 100th birthday in some style, and for all I know he's still prowling around the Westbury council chambers.

Politics: 'protection for native industry'

Tariffs became an issue in Tasmania in the late 1850s. Free traders consistently argued that the unprofitability of much Tasmanian agricultural produce was caused by Victoria's protection policy; the appropriate solution was not protection for Tasmanian produce but intercolonial free trade. During the 1860s and 1870s depression, Tasmanian ministries pursued the implementation of a national policy of intercolonial free trade. The issue was prominent in the 1861 election, when protectionists did well in Hobart but northern Tasmania was strongly free trade. William Archer IV, for example, without even setting foot in the electorate, successfully contested the Devon Legislative Council seat on an anti-protectionist line, 'bolstering his case with selected quotations from the works

of McCulloch, the classical economist'.⁹ In 1870 premier J.M.Wilson proposed an intercolonial conference with the aim of securing free trade between the colonies, but Victoria's insistence on protection stalled its achievement. The Tasmanian parliament passed an Intercolonial Free Trade Bill in September 1870, but in the wake of falling revenues and increased protection levels in Victoria, higher duties were placed on imported stock, wheat, flour, coal, stationery and printed paper. The government insisted these duties were designed to raise revenue, not protect native industry.¹⁰ This claim is supported by the fact that 44% of the colony's income was derived from duties levied on imports.¹¹ So while claiming to practice free trade, successive Tasmanian ministries actually pursued a de facto protection policy 'of a thoroughly hybrid character, utterly void of all principle, and framed on a haphazard basis'. Although the tariff's purpose was revenue raising rather than protection of local industry, some industries were actually afforded quite substantial protection, albeit incidentally.¹² One product not given adequate protection under this system, at least as far as farmers were concerned, was wheat.



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LAUNCESTON, SATURDAY, MARCH 21, 1888.

PRICE: FOURPENCE.

The Colonist banner: an image of agricultural prosperity which remained no more than an image for many of the paper's readers.

Almost weekly during the first six months of its short life, and frequently thereafter, *The Colonist's* leader discussed the protection issue. The inaugural number discussed the advantages of protection, criticised the shortsightedness of free trade, and deplored the refusal of politicians to protect farmers' interests. Relevant articles from other newspapers were reprinted, including a series of

articles from the Melbourne *Argus* comparing the experience of protection in Victoria with free trade in New South Wales, and, as a series of articles, a pamphlet by Thomas Hogarth, from Tasmania's far north west, extolling the virtues of protection. Since all other newspapers in the colony 'adopted political principles opposed to the interests of the agricultural community', *The Colonist's* editor asserted the 'publication of *The Colonist* should mark an era in agricultural history, as at present we stand alone as the advocates of a common-sense policy'.¹³ The paper devoted considerable space to farming practice issues, and it recruited correspondents from most rural localities who kept readers informed on a weekly basis of local developments of interest to farmers.

The Colonist wasted no time urging farmers to organise in their interests, raising the issue in the paper's first number. While recognising that Tasmanian farmers were not 'political agitators', the paper urged 'all interested in agricultural success' to 'unite in demanding that our legislators should propound a policy which would either enable us to obtain a fair price in our own markets or open up other markets for our produce'.¹⁴ The paper was in no doubt that low prices were the primary cause of unprofitability. Tasmanian wheat farmers, for example, had the best implements and machines available, their farms were 'for the most part worked by the farmer and his family, with no wages to pay, and yet they have been going back'. It was not high wages, not rents, not taxes, not improvidence, 'but solely the want of a reasonable price for wheat...and we cannot see any remedy for these low prices except increased duties'.¹⁵ The legislators, wrote *The Colonist*, should either 'compel our neighbours to admit our productions free of duty, or impose similar restrictions upon their productions imported here'.¹⁶ A group of farmers from Hagley and Westbury responded to this call. This mobilisation, which initially took the form of a public meeting, was attended by local farmers, local MLC Audley Coote and Westbury MHA Thomas Reibey, and by visitors from Launceston and Hobart.¹⁷ Held at the Hagley Public Hall on 25 April 1888, the meeting was patronisingly described by the *Examiner* as 'evidence of a healthy public spirit too often wanting in the country districts of Tasmania'.¹⁸

A number of tenant farmers attended the Hagley meeting. Those present included Daniel Burke, who as Warden of Westbury occupied the chair, William Blair, C. Breadon, J.W. Cheek, Stearne Phillips, and George Scott. All six were yeoman tenants or the sons of yeoman tenants. Daniel Burke leased 430 acres at Exton from John Field. William Blair leased 226 acres at Hagley from Isaac

Noake of Longford. Stearne Phillips leased 156 acres at Glenore from the estate of Alexander Clerke. George Scott leased 500 acres at Hagley from the estate of R.R. Davies of Hobart. William Breadon, probably C.Breadon's father, leased 208 acres at Quamby, and Thomas Cheek, probably J.W.Cheek's father, leased 208 acres at Westwood from the estate of Mrs Brookes. Also present was John French, who owned and farmed 221 acres at Glenore, and Carrick flour miller T.W. Monds.¹⁹ Here was a group of largely tenant farmers and a grain miller taking political action in pursuit of their commercial interest. *The Colonist's* agricultural editor was a Hagley farmer who had farmed in Tasmania 'for nearly a quarter of a century',²⁰ in all probability one of the men who attended the Hagley meeting. Since only two of the clique farmed at Hagley, William Blair and George Scott are the most likely. Whoever the agricultural editor was, *The Colonist's* appearance heralded the start of a vigorous public debate. The debate quickly became a contest to convince readers of the respective virtues of protection and free trade. Arguments for both sides included a mixture of observation of events and expressions of opinion based on ideological positions; local as well as outside experience was taken into account.

Proponents of both sides sought to occupy the high moral ground. Free traders, according to *The Colonist*, believed that protection was inequitable and selfish since it allowed 'producers to prey in a comfortable and legal way on the resources of the confiding consumers'. Protectionists, in contrast, believed it was 'manifestly unjust' to allow the free importation of similar produce or articles 'by people who have no interest in or bear any of the burdens of taxation' in the country in question. Protectionists sought to pit the commonsense of their cause against the allegedly obscure theory of free trade. Free traders, according to *The Colonist*, engaged in dogmatic and doctrinaire 'humbug', and sought to throw 'a halo of obscurity around the subject, making it appear a deep scientific problem of political economy which it is heresy for any but the most learned to discuss'. Protectionists did not lay down a law or doctrine as a thing unalterable, as did free traders, but applied the principle to the colonial situation from a commonsense standpoint. Protection was sensible because it enabled a country to produce the items it was suited to produce and import 'all articles a country is not naturally fitted to produce'. Victoria, for example, imposed a 25% tariff on woollen products but cotton goods were admitted free. Protection was sensible because it provided a 'fair return for labour expended in production' and because it engendered a 'healthy condition' of the agricultural interests.²¹ The Hagley



Ploughing newly cleared land, 1901



Reaping the harvest, 1901

farmers' meeting thought protection was sensible because under free trade ruling prices failed to cover their costs of production. The farmers believed that protection served the common good. Duties raised would do away with increased direct taxation, and since farming would be more profitable, settlement on new land would be encouraged and abandoned farms would be resumed, thus raising inland revenue.²²

Free traders argued that farmers should grow something other than wheat, that every country should produce what its climate, situation and soil best suited it to produce, thereby maximising global productivity and producing all commodities 'in the greatest abundance'; protectionists criticised free traders for not suggesting a practical alternative to protection.²³ In any case, the Central North was well suited to wheat and, according to the farmers at the Hagley meeting, they 'were able and willing to raise sufficient meat and grain to supply the home markets, but would not do so at a loss'. All that was needed was temporary protection to establish infant industries. The duty sought was three pounds per ton on flour and 2s per cental on wheat, effectively a doubling of the existing duties. But on the question of fostering new industry for a temporary period, protectionists tried to have it both ways. The tenant farmer, argued the correspondent called G.E.P., cannot be expected to 'lay out a lot of capital in a new industry and the owner not help, so that Protection is the only policy that will help us out of our financial difficulty'. *The Colonist*, on the other hand, argued one reason for protection was that the wheat industry was well established, that Tasmania was eminently suited to grow it, and that Tasmanian wheat farmers were the best in Australia.²⁴

Free traders refuted the criticism that their policy caused economic depression. The *Examiner* acknowledged the agricultural depression but argued that depression was the result of natural causes, such as drought; that as a panacea, protection was a delusion, offering only temporary benefits and inevitably leading to further demands for more protection; and that farmers could help themselves by applying 'prudence, intelligence and foresight' to their work, rather than relying on 'quack nostrums, which infallibly leave the patient worse off in health and pocket than at the outset'.²⁵ An *Examiner* correspondent called 'Elector' expressed considerable displeasure at being told to work harder and better; farmers, especially at harvest time, worked up to 16 hours a day, the injustice of the situation being that the 'consumer in Tasmania can look the loaf of bread in the face and console himself that he is living on the sweat of his country

neighbour to an extent of soon driving him from his home'. In support of his plea for 'just a paying price', 'Elector' argued the ruling price of 3s 8d per bushel was inadequate, and he asserted that the partially exhausted wheat lands placed farmers at a further disadvantage, necessitating regular manuring and fallowing. He claimed that if a paying price was available 'twice the number of farm laborers could be employed to advantage in producing what we are now importing from other countries who have not yet exhausted their resources of virgin soil'.²⁶ The *Examiner* responded with the claim that the present levy of one shilling per one hundred pounds and the cost of shipping represented a 33% levy on the bushel price of 3s 8d; that no one should be guaranteed a price for anything; that land exhaustion was the result of 'unskilful treatment' and no farmer could expect to be compensated for that; and in any case the land exhaustion claim was false because Tasmania averaged 16 bushels per acre compared to nine in Victoria. At best, argued the *Examiner*, protection would aggravate the malady; if farmers received higher prices for their wheat, the landlord would immediately assert his right to share in the spoil and increase rents. Wages would increase beyond already excessive levels, taxes and rates would go up, and the cost of a whole range of goods and services would also increase. Even worse, a fixed price for wheat would divert capital and labour into wheat production, over production would occur, farmers would be left with surplus wheat, and the cost of living for everyone would have increased.²⁷

In response to the *Examiner's* critical analysis of the wheat industry, *The Colonist* naively argued that protection would not induce over-production because producers would self-regulate the supply. The notion of over production was no more than plausible theory. Growers were content to compete among themselves, although not against the coolie, who was responsible for lowering world prices. In good seasons, *The Colonist* claimed, wheat growers with capital would hold their wheat until the need for it arose and graze instead, or else not grow wheat for a year; meanwhile, farmers with no capital would keep the home market supplied. *The Colonist* defended the integrity of landlords against the *Examiner's* libellous attacks; the paper was sure landlords 'have no desire to despoil their tenants, as has been proved by the liberal remissions made in this years rents, owing to the dry season'. In any case, there would be no spoils in 'just a paying price'. In response to the *Examiner's* unsympathetic attitude to the plight of wheat farmers, *The Colonist* produced an extended claim for compassion for the ever-struggling farmers:

the agricultural portion of the colony is now in such a state of depression and poverty, as it has not been since 1870 or '71. Despite the help of wives and families and stringent household economy, many tenants could not pay their small debts. This was a most deplorable state for able-bodied men and women to be in, able and willing to work, early and late, and practice economy, such as the working man, artisan, and dwellers in town know not of.

Although this poverty had been developing over three or four years, and had been hastened by the dry 1888 season, 'one season ought not to affect a whole community, and land them in the state of poverty we have indicated'. Given the farmers' distress, free traders were 'in duty bound to lay aside all preconceived notions, and look at this matter in all its bearings'.²⁸

Protectionists scrutinised the performance of the colony's politicians on the issue of protecting the agricultural community. G.E.P., who had just attended the Hagley meeting, wrote an open letter, published in *The Colonist*, 'To the Members of Parliament of Tasmania, 1888', in which he argued that despite the diminishing production of grains in recent years, the parliament had done nothing to 'assist the struggling farmers. The writer could not imagine how the government could expect farmers to pay taxes and cultivate the soil at the present prices. Surely the parliament could 'see that it is useless to expect the farmers to grow corn etc., at a lower rate than will pay them for their out lay'; after all, 'Protection has been one of the chief causes of Victoria's prosperity'.²⁹ Shortly afterwards, *The Colonist* wrote a leader discussing various aspects of the relation between parliament and agriculture. In criticising the absence of any 'statesmanlike scheme', the notion of utility was invoked in claiming that vitality in trade, plentiful money, and work would result from 'helping our own'. Since the prosperity of one part of the colony affected the whole 'it is difficult to see why, for the general good, some temporary advantages should not be given to parts'. *The Colonist* used the occasion of the Governor's speech at the opening of the third session of Tasmania's ninth parliament to criticise the failure of both the governor and the parliament to offer practical help to farmers. Sympathy was useless if not accompanied by practical steps, which of course meant protection. The Governor's speech, according to the paper, revealed the inability of politicians to comprehend farmers' circumstances. The Governor noted that despite the drought, Tasmania's 'natural advantages' enabled the community to 'pass through such a season without experiencing the disastrous consequences that would follow in countries less beneficially endowed by nature'. Not only did such a view fail to appreciate the hardship endured by farmers, it inadvertently supported

claims that the Central North was well suited to growing wheat and that low prices were the major cause of agricultural depression.³⁰

One politician singled out for attention in this debate was Westbury MHA and free trader Thomas Reibey. The *Examiner* described Reibey's speech to the Hagley meeting as 'powerful and gentlemanly in tone, and pregnant with earnest convictions and conclusions, the outcome of a world-wide study'.³¹ In contrast, *The Colonist* described Reibey's speech as laced with errors. Reibey erroneously assumed that what was appropriate for England was essential in other places. His argument that 'by making the necessities of life cheap the best encouragement would be given to increase the population' was also fallacious; cheapening the necessities of life 'really means lowering wages', argued *The Colonist*, and the large exodus of the industrial population from England at the time was proof enough that workers did not prefer cheap living and low wages. But Reibey's most extraordinary error 'was in comparing the numbers to be benefited by protective duties with those who in his opinion would suffer'. Reibey assumed firstly that the demand for protection was limited to the grain and meat industries; secondly, invoking the common good argument, he asserted only 5,000 people out of a population of 130,000 would be affected. But, *The Colonist* replied, the official returns showed that 10,000 persons were involved in stock and crops, and since each return represented 1.25 houses and each house contained 5.25 persons, 65,625 persons, or half the population, were disadvantaged by free trade.³²

The Colonist expressed the 'emphatic opinion' that Reibey's 'utterances at the Hagley meeting have proved him to be most unfit to represent an agricultural district, since he has an ignorance of this important industry which would disgrace an average ploughman'. Certain other of Reibey's utterances were indefensible, arising 'from sentiment rather than an exercise of his reasoning faculties'. Reibey ascribed his support for free trade 'to his horror of oppression caused by the witnessing of the flogging of prisoners in the convict days'. Surely Reibey was aware, exclaimed *The Colonist*, that the emancipation of Negro slaves in North America was achieved simultaneously with the adoption of a protectionist policy in that country.³³ G.E.P., outraged by Reibey's rationale 'that Free Trade had grown up with him', was quite sure that 'if I could transform the hon. gentleman into a Tasmanian farmer, with small capital, with a wife and family of six children, with a heavy rent to pay, and the present and future taxes, I would soon count a large addition to the Protectionist party, and the Hon. T

Reibey among the first'.³⁴ *The Colonist* was reluctant to advise its readers to campaign against Reibey at the next election, since he was such a good Speaker,³⁵ but concluded his talents were more suited to a university constituency. Reibey was no doubt one of those many aged Tasmanians, those 'respected sires of old world birth' whose opinions had been formed by the 'Cobden Club'; and while it was 'very beautiful to witness the tenacity with which our fathers cling to its tenets', such continuity of opinion became obstinacy, 'especially when the aged oppose the younger'. The paper felt sure 'the clear headed farmers of Westbury' would in the future elect a member guided by commonsense rather than sentiment, 'who shapes his contract more by current events than traditions of the past'.³⁶

At the heart of the tariff debate were contrasting perceptions about the nature of relations between nations, and the relation of producers to their home communities. In 1847, in the context of the transportation debate, Launceston editor John West articulated for the Tasmanian ruling class the secular ideology of free trade. In West's view, the notion of a global world was 'natural law'. No nation, no matter how small, could resist this law. For material prosperity, intellectual vigour and political freedom, nations were obliged to participate in the global world, or wither. The link between commerce and 'freedom of the mind' was inseparable. 'In modern nations' argued West, 'liberty and commerce breathe the same air — demand the same nourishment'.³⁷ In response to these views, protectionists conceded that free trade might be appropriate for England to maintain its natural manufacturing and commercial superiority, but argued that colonies seeking to establish new industries should not be seen in the same light as the mother country, which was engaged in an ongoing economic war against all other countries.³⁸ Free traders argued that only products in demand should be grown; in response, protectionists launched a defence of domestic industry, arguing that Tasmanian growers should have priority in supplying the home market. Protection was simply self-defence, 'one of the first instincts of human nature' against unnecessary competition. In the 1887 season, for example, wheat opened at 4s 6d per bushel but imports from Victoria soon reduced prices to a figure which left no profit to the producer and thus 'greatly tended to produce depression in agricultural centres'. Such imports were unnecessary because in the following January 'many thousands of bushels...[were]...still in store, and will very likely not be used for flour until long after our new wheat is in the market'.³⁹ Surely, exclaimed *The Colonist*, 'there is no violation of right when the inhabitants

of a country protect or defend themselves from the overproduction of the inhabitants of another country...' From another perspective, the fostering of the home community was a more important value than that placed on money. Thomas Hogarth argued protection 'patriotically believes in her own people first and other countries after. Protection therefore...ignores money value and sets up its own'. Money value, Hogarth argued, was not real but merely symbolic, a contrived equivalent for articles of commerce.⁴⁰

The protection campaign succeeded in forcing up the duty on wheat to 6d per bushel⁴¹ and in 1889 a Select Committee into Tariffs was established. The Committee heard no witnesses, preferring to confine its deliberations to statistical information concerning existing tariffs. The major concern was not to protect home industry, but to equalise the duty needed for revenue purposes across industries and minimise the impact on the poorer classes. The Committee recommended a 12.5% uniform tariff on 'necessaries' and a uniform 20% on 'luxuries'.⁴² The major purpose was never protection for local industry but always to raise sufficient revenue to maintain the machinery of government. Unlike Victoria, where protection was embraced, in Tasmania the English commitment to free trade with its colonies and its perception of the colonies as junior imperial partners⁴³ was never seriously in question. Opposition leader N.E.Lewis claimed the Select Committee had produced 'the most wishy-washy report he had ever seen' and insisted on 'a fair measure of protection', especially for 'agricultural interests'. His motion that the time had arrived for the adoption of a protection policy, put to gauge members' opinions in view of the coming election, was met with an 11/11 vote in the House.⁴⁴ The financial circumstances of the early 1890s and the Legislative Council's refusal to entertain either income tax or increased land taxes meant the tariff remained the major source of government revenue.⁴⁵ Strong support for federation and the expectation that intercolonial free trade would open up previously protected markets⁴⁶ reduced the strength of the protectionists' arguments, although the parliamentary practice of annually setting tariff levels guaranteed the issue remained a matter of contention throughout the 1890s.

The Colonist continued to fly the protectionist flag until it folded in 1891, beset with insufficient sales and advertisers' reluctance to pay their accounts.⁴⁷ The paper made a sustained attempt to get Reibey replaced by Daniel Burke in the May 1891 election. It argued that the mounting colonial debt demanded the protection issue be settled once and for all, that the federation 'red herring' needed

to be exposed and resisted, and that the only real difference between protectionists and free traders was that the latter favoured a blanket tariff and the former a targeted tariff sufficient to meet the cost of government and secure prosperity for local industry. More generally, *The Colonist* unleashed a savage assault on the colony's politicians and the 'extraordinary lethargy' of the people in political matters. The Tasmanian parliament was 'a satire' on responsible government, most politicians were 'mere moneybags or semi-illiterate demagogues', and the Legislative Council 'a shoddy aristocracy which has no merit beyond the mere possession of wealth'. Moreover, too many politicians were of the old school; the parliament was characterised by 'a fetish of Conservatism, which has resulted in cliquism of the most absurd character...'. If the people wanted good government, they had to 'take time by the forelock' and make judicious selections.⁴⁸

Responding in part to the factional and self-interested nature of Tasmanian politics,⁴⁹ *The Colonist* advocated the formation of organised political parties; the paper hoped that young men 'just leaving the nest of disenfranchisement' would, like men such as Deakin and Duffy in Victoria, form a young party and initiate the 'much-needed and long required shaking up of the dry bones of Tasmanian politics'.⁵⁰ If the free traders were to be defeated at the coming 1891 election, party organisation had to replace 'individual contests and personal struggle'. Only in Westbury did protectionists organise to avoid vote splitting; failure to organise, warned *The Colonist*, would produce a free trade victory and the indefinite continuation of the existing hybrid tariff. *The Colonist* felt sure, vainly as it happened, that 'without the slightest doubt', organisation would 'carry seats throughout the country districts' in the Central North.⁵¹ A meeting was held at Hagley in January 1891 for the purpose of persuading Reibey to support protection; Reibey, however, failed to attend and a deputation a few days later found him politely non-committal on the issue.⁵² Reibey subsequently retained Westbury and still held it in 1900. In the early 1890s, regular public meetings were held, especially in Westbury and Hagley.⁵³ Members of the Hagley clique continued to lobby Reibey,⁵⁴ and Burke, realising the futility of trying to unseat Reibey, stood for nearby Cressy, one of two Assembly seats for Longford, which he won in 1893. Burke supported the protectionist cause at every opportunity, but his attention was distracted by the need to defend the system of local policing, which as Westbury warden he controlled, from advocates of a centralised administration. (see Ch10) When parliament discussed protection for local industry in June 1898, the main focus

was the need to foster the development of a local manufacturing industry. Wheat barely rated a mention.⁵⁵

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G.L. Buxton suggests the question of whether Victorian protection or New South Wales free trade was advantageous for manufacturing industries, apart from fostering infant industries, is not easily answered.⁵⁶ Likewise, the saga of claim and counter claim which characterised the protection-free trade debate for agricultural produce in Tasmania makes assessing the relative merits of opposing viewpoints hazardous. Given the productivity of the Central North as a wheat growing region, it is tempting to agree with the protectionists that competition from Victoria was a major element in the unprofitability of wheat; on the other hand, the economies of scale and the import duty which did exist suggest the industry was too small to survive in the long run. No doubt the ability of Victorian growers to plant larger acreages than their Tasmanian counterparts, on apparently less exhausted soils, allowed the Victorians to produce wheat at a lower cost per bushel than the Tasmanians. Respective merits aside, free traders in the colonial parliament frustrated attempts during 1888 and beyond by 'the Hagley clique', *The Colonist*, and Daniel Burke as MHA for Cressy, to have the defacto protectionist policy widened so that it might actually engender profitability for the wheat industry. Attempts to influence voting behaviour and Reibey's hold on political power also failed. In the game of political power, tenant farmers and their supporters were no match for a landowning class firmly English in its adherence⁵⁷ to an albeit compromised free trade policy. The advent of federation consolidated the policy of free trade between the new states; the result, in conjunction with the emergence of the dairy industry, was the quick demise of the already declining wheat industry in the Central North.⁵⁸

Rent remissions & tenants' fixtures

In addition to the protection issue, the Hagley farmers and *The Colonist* pursued the issue of rent remissions in poor seasons. Since the 1874 Landlord and Tenant Act was silent on the matter, landlords retained their long-standing discretionary powers. In poor seasons, tenants were forced, cap in hand, to appeal to the landlord's sympathy. The disastrous season in 1888, however, encouraged public debate on these issues, primarily in the pages of *The Colonist* and the *Daily Telegraph*. A correspondent called W.W.⁵⁹ argued that agricultural profit in

Northern Tasmania 'all makes for the benefit of the owner of the soil'. The landlord's risk was minimal, whereas tenants were burdened with an unpredictable climate, an unreliable market and a small profit margin. W.W. disagreed with the notion, advanced by some, that the system of landlordism was a 'gigantic oppression'. Rent received was often a very poor return on the capital value of the land and on the sum expended improving it; but W.W. did want to draw attention to the 'hard case (in most instances) of the tenant'. Even before he could obtain a farm, the tenant had to pay, or covenant to pay, a rent 'in most instances amounting to almost the full annual value of the land, leaving the remuneration and labor of the tenant out of the computation'. Even in cases 'where the rent is a fair rent for prosperous seasons, no account or allowance is made for bad seasons'. The tenant thus lived 'on the small margin between a high and fixed rent and the varying and uncertain returns for his labor and capital'. This situation 'virtually' amounted 'to the landlord receiving everything over and above what is necessary to the tenant for a bare subsistence'.⁶⁰

The Colonist's agricultural editor claimed that in prosperous years 'rent-day is met cheerfully enough, and even a partial failure after a number of successful seasons does not seriously trouble the average farmer'. But when a number of 'disappointing seasons' were followed by a disastrous one, such as 1888, 'the prospect is enough to appal even the stoutest hearts'. *The Colonist* appealed to landlords to meet their tenants in a liberal manner 'with regard to their unprecedented and unexpected losses'. Given that 'so many' were interested in agriculture, it seemed 'hardly right that...the present failure should fall entirely upon one section, viz., the tillers of the soil; yet such will be the case should no concession be made with regard to their annual payments'.⁶¹ *The Colonist's* Westbury correspondent echoed the sentiments of the paper's agricultural editor:

The rich district of Quamby, which tempted athletic husbandmen, and strong robust sons but a short time since, is now most miserable, and the landlord that can expect the entire rent is not doing justice to his tenants. Throughout this entire district the question of rent is most serious.⁶²

If a protectionist policy existed, argued *The Colonist*, there would be 'no need to appeal to landlords for sympathy or assistance'. But since a protectionist policy did not exist there was no choice but to ask landlords and others to reduce due payments, whether they be rent, interest, mortgage or a portion of purchase money. As an expression of their moral obligation to their tenants, English landlords customarily remitted a portion of rents in such circumstances; it would

be 'a gracious action' by Tasmanian landlords to do the same, thereby 'showing they were in sympathy with their tenants'. The present season threatened many tenants with ruin' and surely no landowner, with common prudence, would withhold assistance until ruin completely overtook his tenants'. If landlords were unwilling to forego a portion of their rents they should at least not demand them 'until six months hence'. Such a concession would enable farmers to hold their crops, especially wheat, until more favorable prices occurred.⁶³

In presenting its appeal to for landlords to treat their tenants liberally, *The Colonist* anticipated and rebutted two arguments against remitting rents. To the argument that landlords demanded no extra rents in prosperous seasons and hence no concessions should be made in poor seasons, *The Colonist* replied 'that in cases of ordinary failure no appeal would be made, but that no single year of prosperity could possibly counterbalance this season's failures'. This comment suggests that collective appeals for rent remissions were not common, or at least had not been common for some years. To the further objection that farmers in Victoria and other dry places often had seasons such as that experienced in Tasmania in 1888, and hence no remission could be expected, *The Colonist* argued that their frequency elsewhere 'render them less disastrous, since being anticipated they are allowed for in rent offered or purchase money given for land in such dry areas'. In addition, estimates of rental value 'are based on the expectations of favorable weather'.⁶⁴

Some landlords remitted rents in 1888 but others did not. According to one observer, appeals for remissions were 'usually' acceded to 'for the good reason that...[the tenant]...has no money to pay'.⁶⁵ *The Colonist* reported that the trustees of the late J.R.Scott's estates in the Breadalbane (Evandale) and Bishopsbourne (Longford) districts 'have liberally made a reduction of 25 per cent off the rents for this year, owing to the drought and consequent lessened yields of crops'.⁶⁶ Thomas Reibey, Westbury's William Hart and Longford's John Millar all made 'large abatements' in their rents; were it not for the 'liberality of kind-hearted landlords...there would be a tale of woe in many households'.⁶⁷ Some Westbury landlords, 'seeing the utter impossibility of their tenants to give the entire "wherewith", have generously made reductions, acting on the principle that they, as well as the poor tenants, ought to take their share of the bad times'.⁶⁸ *The Colonist* was well gratified 'that such a feeling of goodwill and generous dealing exists between landlord and tenant'. The paper fervently hoped that 'other



Thomas Reibey, landlord, churchman, pastoralist, MHA, horse breeder, and free trader, Reibey was the Hagley clique's most trenchant opponent — and a figure of fun for Hobart cartoonist Tom Mallory.

landlords and agents will follow' those who have 'liberally reduced their rents to meet the exigencies of the season'.⁶⁹

Alas, not all landlords heeded such hopes. Some landlords, 'we regret to say, demand from an impoverished people the "pound of flesh" necessary to keep stock on the land, and "tucker" in the larder'.⁷⁰ One such was a wealthy absentee landlord 'who, by the way, is a native of Erin's Isle'. More was expected of him, since this particular landlord had formerly been 'much belauded for piety and benevolence'. Neighbouring tenants of landlords 'with not half the reputed benevolent record of the absentee had got reductions of quarter, half, and in some cases entire remissions of their rents'. A 'high sate of expectation' had been aroused but the 'doom of disappointment, however, fell upon them'. Despite informing the landlord 'they had not the "wherewithal" to meet current expenses,...letters came demanding the full "pound of flesh", with imperative instructions to agents to get it'. Even worse, 'no improvements were to be allowed for, and all expenses for improvements were to be stopped on the farm tilled by the agent on the absentees own behalf'. The 'playful bunny was plentiful' on this particular estate 'and while the tenants have been poisoning and otherwise destroying them, the absentee has provided a splendid breeding station for them free of charge'. The errant landlord's power was apparently resisted. The rumour was afoot that rather than carry out the landlord's instructions, the agent had 'sent in his resignation'.⁷¹

If *The Colonist* felt compelled to criticise Thomas Reibey's performance on the protection issue, it found his attitude to calculating rents cause for extravagant praise. The common practice, it seems, was to charge rack rents and grant remissions, at least in years such as 1888, but Reibey advocated a self-regulating method. In a speech *The Colonist* thought deserved 'to be printed in letters of gold', Reibey suggested a three-way split of farm profits. A third of the profits would go each to the landlord and to the tenant for his own use, and the remaining third would cover servants' wages, wear and tear on the farm, and other related expenses. The newspaper report does not make it clear that Reibey actually used this method for calculating rents, but it seems he did. Reibey also claimed he would never increase rent on the basis of improvements made by a tenant. 'He would rather reward such deserving industry'.⁷² This attitude was not uncommon in England. Thompson notes it was rare for a landowner in nineteenth century England to make an express charge for any improvements, especially for farm roads and cottages.⁷³ As a result of his policy, claimed *The*

Colonist, Reibey had 'a thriving and prosperous tenantry, any one of whom would cheerfully lay down his life for his master'.⁷⁴ While *The Colonist* might have overstated and even satirised the extent of Reibey's tenants' regard for their master, it does seem he took a traditional English approach to the business of landlordism.

Not all landlords shared Reibey's attitude to his tenants. John Whitehead, who, as did his father, began his very prosperous farming life in Tasmania as a tenant, regarded them with considerable suspicion. Whitehead warned Longford landowner Simon Ritchie and his brother

that if they don't live on their Australian properties or keep a Manager or Steward to look after them the property will go fast to destruction with briers, gorse, Californian thistle and all other abominations, tenants will get all they can and do as little as they can to any property they rent and in this way many of the very best and most valuable properties here are fast going to ruin.⁷⁵

Whitehead also congratulated his long-time correspondent Edwin Bowring for making his tenants 'pay up their rents the last half year in advance, it saves trouble to say nothing of loss'.⁷⁶ Whitehead was also prepared to use the law against tenants he felt had wronged him. In 1880 he offered James Heyes a 110 acre section of Bostock which adjoined a farm Heyes rented. Heyes had arrived in Van Diemen's Land as a bounty immigrant in 1842, and for a number of years farmed a part of Clarendon before it was purchased by Whitehead. Heyes refused the offer and was informed by Whitehead that since his, Heyes', stock had been on the section for three months, he, Whitehead, required rent back paid in lieu of legal proceedings to recover it. Whitehead also issued formal instructions to have Heyes' stock impounded.⁷⁷

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The 1874 Landlord and tenant Act did little to encourage tenants to improve their farms. At a meeting in May 1888 the Hagley farmers set in train a campaign to reform certain clauses of the Act. Of particular concern was Clause IV, the object of much attention during the 1874 parliamentary debates on the Bill.⁷⁸ The farmers linked this question not so much to the question of agricultural poverty but to the notion of a just recompense for improvements made to their tenancies at their own expense, and to the related issue of the worth of making improvements at all. The farmers' first meeting had appointed a committee, chaired by Daniel Burke and including Stearne Phillips, George Scott, William Blair, C. Breadon and J.W. Cheek, to discuss amendments to the Act 'in order to

bring about a more satisfactory state of affairs with regard to compensating tenants for improvements to property occupied by them'. A letter from Thomas Reibey expressed sympathy with the aim of the meeting, and suggested the claims of the land as well as those of owners and tenants should be considered.⁷⁹ After 'thorough discussion' the meeting proposed:

That, in the opinion of this committee, the existing Landlord and Tenant Act requires amendment in such a manner as to secure to the tenant, on leaving his farm, compensation for any unexhausted value of any improvement which may have been made at his expense during occupancy; provided such improvements are effected, either with the consent of the landlord, or by the authority of arbitrators to be appointed by the landlord and tenant.⁸⁰

Similar proposed reforms in England at the same time suggest the Hagley proposal was quite conservative, or at least less radical; certainly it was much less specific than the proposed English reform. The English reform, reported *The Colonist*, sought to liberalise restrictions on the tenant acting on his own initiative, and thus reduce the power of the landlord to prevent the tenant from effecting, on his own initiative, any of a comprehensive list of improvements. The bill also sought to set out circumstances under which compensation was payable to a tenant when a farm was vacated. The 'protection' given to the landlord for the loss of his discretionary powers concerning improvements and related compensation was that he could at any time apply to the County Court to prevent a tenant from performing any act which in the Court's opinion would be injurious to the landlord's lands and premises.⁸¹ Herein we see a proposed shift from the landlord's traditional discretionary powers to the use of the law to define and regulate relations between landlords and tenants. The Hagley proposal reflected the same impulse.

Some two weeks after the May Hagley meeting, *The Colonist* discussed the resulting resolution. Clause IV of the Act, which was supposed to protect 'an improving tenant's interests', secured to the tenant on leaving his farm the right to remove any building or similar improvements erected or constructed with the consent of the landlord, even if those improvements were, in the words of the Act, 'affixed to the soil'. Where landlords were 'liberally inclined', wrote *The Colonist*, 'the present act is quite sufficient'. But where landlords were 'narrow-minded, grasping, and short-sighted, the present Act is quite useless in providing for a liberal and energetic tenant'. Such a tenant needed 'an assurance of a fair return for improvements which he may effect during his tenancy'. The right to

remove improvements was certainly an advance on the 'old-fashioned' idea that any improvement affixed to the soil became the property of the owner in the event of the tenant leaving, but was still 'far from affording a just measure of protection to a tenant, since the privilege is practically worthless in encouraging improvement'. The right of removal might serve to prevent a landlord gaining unfair advantage, but the tenant was not, in *The Colonist's* opinion, guaranteed fair compensation. In many cases the value of the building was not worth the cost of removal, especially if the tenant was moving some distance away. The other point which escaped legislators was that many improvements necessary for profitability could not be easily removed. Irrigation and drainage were two cases in point. Drainage would double grain yields, and with less labour, but drainage cost from one to ten pounds per acre. What advantage, inquired *The Colonist*, 'would a tenant derive from the right to remove drainage and irrigation works?' ⁸² This compensation issue gives some insight into why many tenants were regarded as poor quality farmers.⁸³ If they could actually afford improvements, there was no guarantee of compensation if or when they left their tenancies and hence less incentive to effect improvements.

Adopting the common good argument, *The Colonist* suggested the issue would be better understood if the question of real or supposed rights, either of the landlord or tenant, 'were omitted altogether, and the question discussed on the broad ground of national advantage'. If tenants were allowed 'reasonable compensation' for improving their farms 'encouragement would be given to undertake works which would eventually add to their own wealth, and the wealth of the landlords, and consequently to that of the country'. Coercive measures should only be used against landlords where they 'were blind to the interests of their property'; and unless any improvements were actually needed 'the tenant should not be recompensed for making them'. Since landlord and tenant were both likely to be guided by self-interest in deciding what improvements were necessary, an amended Act should provide a system of arbitration in order to reconcile differences of opinion. Whilst such a system might seem to be 'an interference with what is known as the proprietor's rights', it was nevertheless necessary. Some landlords were wont to 'allow premises or fences to fall into a most disgraceful state before they would sanction improvements, the expense of which would be deducted from their rents'.⁸⁴

Despite the emphasis on the 'national advantage', the conclusion is inescapable that the specific intent of the amendment and *The Colonist's* comment

on the issue was to advance the interests of tenants. The paper claimed it supported the amendment proposed by the Hagley meeting because 'we cannot suggest a better method of doing justice to the tenant, without injuring the landlord'. The paper sought to allay fears that the intent of the Hagley resolution would undermine landlords' interests by explaining that the clause specifying the 'unexhausted value of any improvements' would protect the landlord against spurious claims, such as a demand for compensation for improvements done 'in a cheap and paltry fashion'. The reference to unexhausted value would also 'encourage tenants to enter upon works of a substantial nature, which in the end are generally the most economical'. The Hagley farmers' efforts to reform the law generated a subversive response from an unknown person or persons. During the resolution's transmission 'to the proper persons to take charge of it, the clause relating to arbitration was omitted'. This omission was made without the authority of those appointed to suggest amendments. Arbitration, according to *The Colonist*, was an essential ingredient in the proposed amendment since 'a tenant would receive no advantage when dealing with a rapacious landlord'.⁸⁵ If the reference to arbitration was actually omitted by someone hostile to legislative change, the action suggests some landlords were not prepared to yield their paternalistic powers in favour of a more equitable jurisdiction; and it seems they had many allies in the parliament – no change to the Act occurred until 1909.⁸⁶ *The Colonist* took a dim view of parliament's unwillingness, and especially that of members representing agricultural constituencies, to reform the Act. The paper thought it 'somewhat strange' that urban members seemed more willing to give attention to farmers' 'wants' than those representing agricultural constituencies. The paper thought this might account for the want of fairness in the present Act, since those willing to amend it 'lack the practical knowledge necessary to deal with the subject'.⁸⁷

A further issue of concern to the Hagley farmers was the status of landlords in relation to bankrupt tenants. The farmers passed a further resolution proposing 'to rank a landlord with an ordinary creditor in cases of bankruptcy'. The meeting engaged in a 'short but animated discussion' on the issue but by a majority of one declined to recommend the proposed amendment. *The Colonist* considered this issue 'most decidedly a debateable subject' although not as pressing as the compensation issue. The Hagley Debating Club also gave the bankruptcy issue its attention. The club's 15 June 1888 meeting was marked by 'very encouraging attendance, showing considerable attendance upon any previous

meeting held this season'. The debate was 'most animated and interesting', an encouraging feature being 'the assistance given by some of the younger members, who do not usually take an active part in the discussions'. At least three speakers at the debate, George Scott, William Blair and C Breadon were also members of the Hagley committee which recommended the amendment on the compensation issue. Speakers for the motion that a landlord should be 'in the same position with regard to payment of rent as an ordinary creditor' were George Scott, William Blair, William Cheek, George Crawford and William Boucher. Speakers for the negative were William Kirkland, C Breadon and Frederick Giles. *The Colonist* provided no information on the arguments put during the debate but did report that the question was carried by a majority of one. Clearly opinion on this issue evenly divided interested farmers⁸⁸ and suggests the culture of deference died hard.

Conclusion

The debates about the tariff and landlord-tenant relations reflected differing ideological perceptions about the kind of place Tasmania should be. Protectionists held that the principle of protection for home industry and the right of local producers to supply local markets underlined the belief that the fostering of home communities should take precedence over commercial interests. Protectionists, particularly those who spoke for wheat farmers, imagined a world in which local places and their communities were the heart of the country and its commercial culture. This view dovetailed neatly with the ideology of landed independence, which earlier had fuelled unsuccessful moves to reform landlord-tenant relations. In contrast, free traders imagined the world and Tasmania's place in it in distinctively English terms. Tasmania was part of an empire based on free trade⁸⁹ and social-Darwinist notions of survival of the fittest; to this view of the world, protection was heresy. Like John West before them, free traders imagined a world in which the key unit of political and commercial organisation was the nation, or the country, as many were fond of calling the colony. Protectionists were perceived as self-interested parochialists antagonistic to the common good. This tension between place as country and place as local community produced a hybrid tariff which gratified the aspirations of only a very few. The free trade-protection debate, however, was not only about ideology and competing views of the world. Given the compromised nature of the free trade policy, the conclusion is almost unavoidable that the consistent refusal to increase the tariff on wheat

was calculated to keep tenants poor, to prevent them from assuming political office, and to limit their capacity to take control of the land.

The Hagley clique emerged at the tail-end of a surge in liberal politics in Tasmania. The clique's activities signalled that tenant farmers' interests were not always consistent with those of landlords and that it was possible to challenge landlords' political power. That these challenges failed to achieve their specific aims was no doubt galling for the farmers involved and their supporters at *The Colonist*. The free trade policy remained in place and was later enshrined in the Australian Constitution, and no reform of the Landlord and Tenant Act occurred until well into the twentieth century. The Hagley clique and *The Colonist*, nevertheless, made substantive and enduring contributions to Tasmanian political culture. At the local level and in the parliament, the reformers helped advance the process of redistributing political power more widely in the Tasmanian community. As it was elsewhere in the Australian colonies, the tariff debate was one force for the establishment of political parties in Tasmania, and at the very least a clear line of demarcation in Tasmanian politics. In a concrete sense, the protection issue and the 1888 drought combined to politicise the tenantry, or at least a portion of it, and helped undermine the assumption that large landowners had a divine right to rule. For in a sense, protection and tenants' rights, although important in themselves, served to underscore the central issue, the monopolisation of political, commercial and ideological power by the colony's landed elites.

Notes

¹ *The Colonist*, 17 March 1888

² See ch3 for a discussion of landlord and tenant legislation

³ Landlord and Tenant Act, 1874

⁴ Leavitt, T.W.H., *The Jubilee History of Tasmania*, Vol 1, Melbourne: Wells & Leavitt, c1887, pp 29-32

⁵ *Daily Telegraph*, 28 April 1888

⁶ T.H. Irving, '1850-70', in Frank Crowley (ed), *A New History of Australia*, Melbourne: Heinemann, 1974, pp 148-9, 153; Loveday, P., Martin, A.W., & Parker, R.S., *The Emergence of the Australian Party System*, Sydney: Hale & Ironmonger, 1977, pp 36-37, 355-61

⁷ Bennett & Bennett, *Register of Tasmanian Parliament*, pp 48, 138, 55, 163, 47, 74, 5; see also *Walch's Tasmanian Almanac*, Hobart: J.Walch & Son, 1865-1900; *ST*, 1913

⁸ *Cyclopaedia of Tasmania*, pp 22-26; *Mercury*, 21 May 1919; *Mercury*, 25 June 1827

⁹ Robson, *History of Tasmania*, vol 2, p 45; Stokes, *North-West Tasmania*, p172

¹⁰ Robson, *History of Tasmania*, vol 2, pp 53, 95-6; Sprod, *Whitehead Letters*, p11

¹¹ Robson, *Short History*, p 86

¹² *Daily Telegraph*, 13 & 16 November 1889

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- ¹³ *The Colonist*, 21 January 1888
- ¹⁴ *The Colonist*, 21 January 1888
- ¹⁵ *The Colonist*, 12 May 1888
- ¹⁶ *The Colonist*, 21 January 1888
- ¹⁷ Probably members of the Northern and Southern Protection Leagues
- ¹⁸ *Examiner*, 28 April 1888
- ¹⁹ *The Colonist*, 28 April 1888; for a brief biography of T.W. Monds, see *Cyclopaedia of Tasmania*, pp 221-2
- ²⁰ *The Colonist*, 21 January 1888
- ²¹ *The Colonist* 28 January, 17 March 1888
- ²² *The Colonist* 12 May 1888
- ²³ *The Colonist* 21 & 28 January, 21 April, 5 May 1888
- ²⁴ *The Colonist*, 5 & 12 May 1888
- ²⁵ *Examiner*, 6 April 1888
- ²⁶ *Examiner*, 21 April 1888
- ²⁷ *Examiner* 21 & 28 April 1888
- ²⁸ *The Colonist* 5 & 12 May 1888
- ²⁹ *The Colonist* 5 May 1888
- ³⁰ *The Colonist* 2 June 1888
- ³¹ *Examiner* 28 April 1888
- ³² *The Colonist*, 12 May 1888
- ³³ *The Colonist* 12 May 1888
- ³⁴ *The Colonist* 5 May 1888
- ³⁵ *The Colonist* 28 April 1888
- ³⁶ *The Colonist* 12 May 1888 and 17 January 1891
- ³⁷ *Hobart Town Courier & Gazette*, 30 June 1847
- ³⁸ *The Colonist*, 28 January 1888
- ³⁹ *The Colonist*, 21 January 1888
- ⁴⁰ *The Colonist*, 17 March 1888
- ⁴¹ *Daily Telegraph*, 13 & 16 November 1889
- ⁴² Select Committee into the Custom's Tariff, HAJ no105 1889; *Daily Telegraph*, 9 August 1892
- ⁴³ Irving, '1850-90', in Crowley, *A New History of Australia*, p127
- ⁴⁴ *The Daily Telegraph*, 16 November 1889
- ⁴⁵ Stokes, *North-West Tasmania*, p210
- ⁴⁶ Stokes, *North-West Tasmania*, pp 217-18, 221, 223; *Daily Telegraph*, 16 November 1889
- ⁴⁷ *The Colonist*, 28 March 1891
- ⁴⁸ *The Colonist*, 6 December 1888
- ⁴⁹ Loveday et al, *The Australian Party System*, p38
- ⁵⁰ *The Colonist*, 27 December 1890
- ⁵¹ *The Colonist*, 10 January 1891
- ⁵² *The Colonist*, 17 January 1891
- ⁵³ See *The Daily Telegraph*, 9 & 10 August 1892 for reports of a meeting at Hagley.
- ⁵⁴ *The Daily Telegraph*, 17 October 1891
- ⁵⁵ *Mercury*, 7-9, 15-16 June 1898
- ⁵⁶ G.L. Buxton, '1870-90', in Crowley (ed), *A New History of Australia*, p194
- ⁵⁷ Loveday et al, *The Australian Party System*, p37
- ⁵⁸ *ST*, 1900, 1901. While Central North farmers increased cultivated land from 131,000 acres in 1870 to 156,274 acres in 1901, the wheat acreage declined from 26,594 to 24,506 acres. In percentage terms, this represents a decrease from 20% to 15.7% of the region's cultivated acreage. Likewise, the colony's wheat production decreased from 977,365 bushels in 1881-82 to 642,980 bushels in 1890-91.
- ⁵⁹ This person was almost certainly William Dubrelle Weston, a Launceston solicitor, grandson of one-time premier W.P. Weston of Hythe, Longford. The Weston's were large landholders and had several tenants on their Longford property. This letter and several others signed W.W., as well as a manuscript copy of a long

newspaper article with the by-line Peregrinator (discussed in Ch8 below), are held with the Weston papers in the Queen Victoria Museum and Art Gallery in Launceston. See Weston Papers, Box 5, ENVC, *Queen Victoria Museum and Art Gallery, Launceston*; see entry on W.P. Weston, *ADB*, vol 2, 1788-1850, p593; Valuation Rolls, *HTG*, 1858, 1881; Whitfield Index, *NRL*, Launceston

⁶⁰ *Daily Telegraph*, 28 April 1888

⁶¹ *The Colonist*, 17 March 1888

⁶² *The Colonist*, 7 April 1888

⁶³ *The Colonist*, 17 March 1888; Atkinson, *Camden*, p100, discusses landlords' moral obligations to their tenants.

⁶⁴ *The Colonist*, 17 March 1888

⁶⁵ *Daily Telegraph*, 28 April 1888

⁶⁶ *The Colonist*, 28 April 1888

⁶⁷ *The Colonist*, 26 May 1888

⁶⁸ *The Colonist*, 7 April 1888

⁶⁹ *The Colonist*, 28 April 1888

⁷⁰ *The Colonist*, 7 April 1888

⁷¹ *The Colonist*, 26 May 1888

⁷² *The Colonist*, 26 May 1888

⁷³ Thompson, *English Landed Society in Nineteenth Century*, p248

⁷⁴ *The Colonist*, 26 May 1888

⁷⁵ Sprod, *Whitehead Letters*, p 82

⁷⁶ Sprod, *Whitehead Letters*, p 112

⁷⁷ Sprod, *Whitehead Letters*, pp 172, 248

⁷⁸ See ch 3

⁷⁹ *The Colonist*, 19 May 1888

⁸⁰ *The Colonist*, 19 May 1888

⁸¹ *The Colonist*, 19 May 1888

⁸² *The Colonist*, 9 June 1888

⁸³ Discussed in ch6

⁸⁴ *The Colonist*, 9 June 1888

⁸⁵ *The Colonist*, 9 June 1888

⁸⁶ Act to amend the 1874 Landlord and Tenant Act, 1909, 9 Edward/47. This amendment was not concerned with clause IV.

⁸⁷ *The Colonist*, 9 June 1888

⁸⁸ *The Colonist*, 19 May, 9 & 23 June 1888

⁸⁹ Frost, 'Botany Bay, Nootka Sound and the beginnings of Britain's imperialism of free trade', pp 4-11

Chapter 6

FARMERS' BAD HABITS *agricultural improvers & reluctant tenants*

abandoned and temporarily occupied farms were overrun with weeds and the inevitable wattle, the fences broken down, the homesteads exhibiting marks of rapid decay.¹

A common observation in colonial Tasmania was that the chief causes of agricultural poverty were the poor skills and application of the island's small farmers. Critics portrayed an agricultural industry shackled by an absence of inventiveness and initiative, an inability to sustainably manage the land as a productive resource, an unwillingness to embrace new methods, especially agricultural machinery and more scientific methods of farming, a reluctance to use readily available resources such as farm manure, and a failure to adopt strategies to meet the vagaries of the seasons, especially irrigation and wetland drainage. Small farmers, however, should not be held solely responsible for this gloomy diagnosis. This apparent deficiency in skills and planning, as earlier chapters have suggested, was compounded by a dearth of development capital, small markets and chronically low prices. Geoffrey Bolton suggests that agricultural improvement was perceived as enlightened self interest.² If that was so, enlightened self interest was a rare commodity in colonial Tasmania. The ramshackle state of agriculture was due largely to the failure of landlords to finance development and maintenance of farms on their estates. Many landlords chose not to make economic decisions which might have enhanced agricultural profitability. Those landholders who did pursue agricultural improvement sought to harness the advantages of nature as much as provide improvements for their tenants; but those desires, and the shoddy practices which induced them, came at a price. Poor practices and the improvements meant to replace them caused extensive ecological degradation, especially soil exhaustion, river pollution and forest clearance, for which both small and large farmers must share responsibility.³

Farming practice

Criticism of farming practice was made throughout the century. In the 1820s a number of commentators referred to the inexperience of many farmers and the inappropriateness of English farming experience in Van

Diemen's Land. Observers also criticised the failure of many farmers to rotate crops, manure or fallow their land, pursue irrigation or provide adequate drainage, all practices introduced in England in the eighteenth century when subsistence farming was replaced by cash cropping.⁴ In 1842 Count Paul Edmund Strzelecki observed that although 160,000 acres were under cultivation, manuring, crop rotation, fallowing, irrigation and drainage were not in common use on Tasmanian farms. Although successful where used, few farmers had bothered to take heed.⁵ An 1866 analysis by the government statistician of the reasons for the low profitability of agriculture suggests farming practice had changed little in the years since the 1820s. Drawing on reports furnished by local collectors of agricultural statistics, the statistician delivered a stinging broadside against the colony's farmers.⁶ In 1873 the *Illustrated Tasmanian News*, a monthly newspaper published in Launceston, claimed the fact was 'well known' that much Tasmanian farming was 'carried on in a somewhat slovenly and unsystematic way'.⁷ John Whitehead wrote in 1881 of the neglect of the Clarendon estate and other properties formerly owned by the late James Cox. When Whitehead let the farm Fern Hill, he applied stringent covenants 'for cutting down Briers [,] Gorse and taking more care of the place generally...'.⁸ Late in the century, Longford landowners H.R.Dumaresq and W.H.D. Archer agreed that 'farming in Tasmania had in the past been of the rough and ready sort'.⁹ Peter Scott considers the story of agriculture in Tasmania from the beginning until the 1930s is one of progressive impoverishment of the island's arable land.¹⁰ The anecdotal evidence supports Scott's conclusion. Myles Mahoney, for example, wrote of Westbury in 1875 that the 'land in this district wants rest'.¹¹ Soil exhaustion was produced largely by characteristic Tasmanian cropping practice. The usual method of cropping in northern Van Diemen's Land in the early years of occupation was to cultivate the same crop year after year, so that by 1823 the land was exhausted.¹² While fallowing was practised to some extent, at least in the latter decades of the century, the failure of many farmers to rotate crops and fallow fields helped exacerbate low profitability and soil exhaustion.

Lack of farming experience was one major factor inducing bad habits. Of 1,463 grantees prior to 1823, only 21 are known to have previous farming experience.¹³ It is perhaps not surprising then that farmers such as the Archers, Richard Dry and William Field, all of whom did have English or Irish farming experience, did so well in Van Diemen's Land. John West

argued that many farmers in the period before 1850 lacked the psychological strength needed by pioneering colonists, although given his dislike of convicts West's view is probably as much a reference to the convict status of many farmers as to their farming skills.¹⁴ Many Tasmanian farmers in the second half of the century were born in Tasmania and learnt farming from their fathers;¹⁵ perhaps they inherited their bad habits. In the 1870s a self-confessed refugee from genteel poverty in England confided to his readers the uncertainties felt by a new and inexperienced farmer. The writer did not know if a cow was more valuable just prior to or just after calving, or if it had been in milk for a shorter or longer period. He knew nothing about market prices nor the best times of year or the kinds of characters he had to deal with when buying and selling; and the widespread practice of violating fences and a cut-throat game of bargain hunting played by stock-owners constantly challenged the inexperienced and unwary.¹⁶ Few observers conceded that farming in Tasmania was not easy; one that did was the *Illustrated Tasmanian News*' special reporter, who in late summer 1873 toured Norfolk Plains, Cressy, Bishopsbourne and Carrick with a view to ascertaining the past and present systems of farming and the cause of recently improved yields. The reporter noted that the land's state of nature, the diverse and unpredictable climate, and the ever-changing market meant that no fixed rules could be applied. Given the conditions, the reporter considered 'that more forethought, originality, judgement and care, are requisite here, than is necessary in a British farmer'.¹⁷

One reason commonly advanced for the apparent failure of agriculture was farmers' reluctance to manure the soil. In 1860 an observer somewhat fancifully told the Launceston Council that the proper utilisation of manure as fertiliser 'if rightly applied would crown the fields with golden harvests and drive pauperism from the land'.¹⁸ In 1866 the government statistician advocated a more scientific approach. The statistician pointed out that when the soil was 'new...and the labour of convicts could be had for very little more than the cost of their rations...a moderate return paid the farmer handsomely'. But profitability in the 1860s, given the scarcity of labour and the high level of wages, demanded 'an entirely new style of cultivation'. In order to maximise production, soil fertility had to be maximised. The maintenance of soil fertility depended on regular manuring; the failure to use stable dung was 'the great defect in our Colonial farming'.¹⁹ The statistician even suggested a prize for the largest quantity of manure produced in one year. Farm yard dressing, guano, lime and bone dust were used, but much of

value, especially in guano and bone dust, was insoluble, hence the need to treat those manures with sulphuric acid, thereby converting them to superphosphate of lime. A Launceston firm, noted the statistician hopefully, was about to commence production of this processed fertiliser.²⁰ 'A Recent Settler' was moved to observe in the 1870s that many tenancies might be greatly improved by 'a judicious outlay in draining and manuring'. Guano was plentiful and wheat was taken for it at fixed rates,²¹ an observation which suggests that many farmers did not use fertilisers because they lacked the funds to buy it.

The criticism apparently stung, for in the late 1860s and early 1870s the widespread use of guano, and I suspect the improved demand for produce, 'quietly revolutionised' agriculture in the Central North, at least in some districts. By the mid-1860s the system of agriculture had come close to abandoning the country to 'the conquering thistle, twitch grass, wattle, gorse, and other invaders'. One small freeholder was averaging only 7 bushels of wheat per acre and was forced to run sheep to avoid being 'starved off' his farm. The decision to use guano produced 'almost miraculous' results. Some land yielded as much as 48 bushels, with an average across the farmer's cultivated land of 30 to the acre. Guano cost half the price of carting and spreading farm manure, and enabled many farmers to adopt the system of cropping one third of their land, laying a third down to pasture and leaving the remaining third to fallow. Having been treated with guano, fallow land yielded strong growths of white clover, wild oats, sorrel and other weeds which nicely fattened cattle and sheep. Guano use enabled one 200 acre freeholder to move from bare survival to living 'comfortably and respectably and save 200 pounds a year'. Change in the farming landscape in the decade from the mid-1860s was apparently quite dramatic. In Cressy district in the mid-1860s, 'abandoned and temporarily occupied farms were overrun with weeds and the inevitable wattle, the fences broken down, the homesteads exhibiting marks of rapid decay...' But by 1873

the visitor now finds well fenced, or better still, well hedged paddocks; clean, properly cultivated lands; houses and homesteads by their neatness indicating the thrift and independence of their owners, and the outward and visible signs of prosperity everywhere.

Visitors from Victoria 'expressed their surprise freely at such evidence of general prosperity in a colony alleged to be on the brink of ruin'.²²

The glowing image of the system of agriculture created by the *Illustrated News* reporter does not accord with the statistical evidence for the region. Some fallowing was practised, but its application across the region was inconsistent. In 1876 and 1877, fallowing and the liberal use of manures, especially guano, was 'greatly in favour' with Longford farmers, 'and carried out rather extensively by most of them'. Farmers in Longford and Westbury, however, were far more likely than those in Deloraine to fallow their fields on a regular basis.²³ On a regional basis, the percentage of cultivated land left to fallow ranged from 7% to 12%. Across the period from 1870 to 1901 a slight decrease occurred. In 1870 the figure was 12%, in 1880 11%, in 1891 7% and in 1901 10%.²⁴ It seems reasonable to speculate that the absence of fallowing in Deloraine was related to the high incidence of subsistence tenants in that district. (see ch3) In order to survive on the land many small farmers had no option, or so it must have seemed, but to continue cropping the same land year after year, especially given that most had at best a single furrow plough with which to work the land. Fallowing required more extensive tillage for little if any extra return, unless guano, which cost 80 pounds to cover 10 acres,²⁵ was used. Farmers in Longford and Westbury, with higher levels of owner occupying agriculturalists and larger tenancies, practised more careful soil management, although not quite as carefully as the *Illustrated News* imagined in 1873.

The chronic failure to rotate crops illustrates this haphazard approach to soil management. Despite an early awareness of the extent of soil exhaustion, farmers in the Central North habitually failed to rotate their crops. In 1872-73 for example, the season for cropping in Evandale was good but 'rotation of Crops is seldom heard of'. In the 1891 agricultural returns not a single acre in the region appears in the column 'Land under Rotation of Crops'. A few 'pioneers' were at work in other districts, chiefly Brighton, Richmond, La Trobe and Glamorgan, but not the Central North.²⁶ This monumental failure to apply one of the basic practices of British agriculture is difficult to explain. Until the 1870s the persistence of manual methods of cultivation probably discouraged the development of new plots, but the failure to adopt the practice continued after the advent of mechanisation during the 1870s and 1880s. Like the insistence on growing wheat, the reluctance to use rotation seems to have been culturally based. The impact on productivity by guano and later chemical fertilisers probably helped maintain resistance to crop rotation as well as induce further change in soil ecologies. In addition to

crop rotation, manuring and fallowing, the statistician urged that deep cultivation was especially important, the object being 'to stir up the subsoil and expose it to the influences of light and air, and to permit the roots of the plants to penetrate deeply into the soil in search of their necessary nutriment...' No doubt influenced by his unflattering view of Tasmania's farmers, however, the statistician cautioned that 'much judgement is...necessary in applying the principle'.²⁷

Like crop rotation, crop diversification was generally shunned. In his 1866 broadside the statistician criticised what he perceived as a crop imbalance in Tasmania. Using Great Britain as the benchmark, the statistician argued that an excessive concern with the cultivation of grains at the expense of green crops such as tubers, roots, cabbage, vetches and lucerne demonstrated an 'urgent need of agricultural reform'. Grains occupied 68% of cultivated land in Tasmania compared to 8% used to raise green crops, the remaining 23% being used to grow grass and hay. Likewise in the Central North, croppers were overwhelmingly concerned with grass, hay and grain production.²⁸ Despite the statistician's criticisms, some diversification did occur, especially in response to low wheat prices. Low wheat prices in the years prior to 1868 induced some Westbury farmers to grow crops such as mangel wurzel, peas, beans, turnips and carrots. Those farmers were well recompensed, not with cash but valuable winter feed for fattening cattle;²⁹ that diversified cropping was seen as an adjunct to cattle fattening says much about the profitability of cash cropping at the time. Little notice was taken of the statistician's suggestion that tobacco offered the potential for good profitability.³⁰ In 1869 many Deloraine farmers grew small quantities of linseed but production always remained miniscule compared to pasture grasses and wheat.³¹ In 1880 flax was grown for the first time in Deloraine but like linseed remained a very minor crop.³²

William Archer was troubled by the inability of Tasmanian farmers to match particular plants with suitable soils. Archer argued that different kinds of plants required 'different kinds of soils... in order that they may grow to the best advantage'. Gardeners understood this fundamental principle but agriculturalists 'generally seem to pursue their operations without reflecting upon the matter, -- as though they regarded, for the most part, all kinds of soil as being capable of nourishing whatever sorts of plants are inserted in them'. Wheat, for example, could be seen 'growing with difficulty on soil unnecessarily calcerous, and greatly wanting in the requisite quantity of silica'.

Archer's response to this collective ignorance reflected his botanical expertise and his extensive knowledge of native flora. Inferring that wild plants grew best on soils which provided them with necessary nutrients, Archer categorised soils as bad lands, inferior pasture lands, and agricultural lands. For each land type, he produced a list of wild plants, thereby facilitating recognition of land types by colonists. Archer also produced a list for swampy land and another of plants often growing near running water for use by surveyors and explorers. Archer's motivation for his efforts was both scientific and commercial. He sought to render the exploration of new localities more profitable, and he hoped that others would follow and develop his scientific approach to crop selection.³³ Through his scientific expertise, Archer sought to subjugate the land to the interests of the market.

Towards the end of the century, several Hagley farmers, some of them members of the Hagley clique, publicly advocated a range of measures designed to improve agricultural practice. Following a public lecture at Hagley, George Scott proposed the government appoint an agricultural chemist to analyse manure and soils. William Kirkland said the government should advance farmers loans at 3.5% for drainage works, as occurred in Scotland. S. Bendall advocated amendment of clause IV of the 1874 Landlord and Tenant Act to enable tenants to claim compensation at the expiration of their leases. Longford farmer and MHA H.R. Dumaresq suggested the establishment of an agricultural college. These ideas were advanced during discussion following public lectures given during December 1890 by R. Hedger Wallace, an agricultural chemist from Victoria. At Longford Wallace spoke on the theory of scientific agriculture, including the nature and composition of soils, crop rotations, soil fertility and the role of tillage, and the art of artificial manuring. At Hagley he discussed drainage and its importance in improving soil fertility. George Scott, at least, had some satisfaction. In 1892 the Tasmanian Council of Agriculture was formed; one of its earliest appointments was an agricultural chemist.³⁴

Herd management practices, especially of cattle and horses, were inconsistent. Many smaller farmers, eyeing an easy dollar, were willing to export their best stock for short term-term financial gain at the expense of herd building. This happened sometimes during periods of peak external demand, such as the Victorian gold rush of the 1850s. Others, faced with the perennial spectre of insolvency, were forced in times of crisis to sell their stock. During the depths of the 1860s depression a good number of the best

draught horse stock in Westbury was sold to New Zealand.³⁵ Many Evandale horses were sent to the New Zealand market during a drought in 1868.³⁶ This regular exportation impoverished the quality of Tasmanian draught horses; when a strong demand for draught horses occurred in 1875, it could not be met.³⁷ Wealthier farmers, especially successful pastoralists, were in a much better position to engage in herd-building. Stock sold were either bred specifically for the purpose, or those surplus to future needs; either way, an awareness of the need to maintain breeding quality governed the thinking of such farmers, many of whom kept cattle in small enclosures.³⁸ James Cox began breeding pure herefords at Clarendon around 1836 from the imported bull Trojan, which cost him 500 pounds, and drafts of cows from the VDL Company's Cressy herds. Periodically Cox imported bulls from England in order to retain the quality of his herds. Many smaller farmers, including John Whitehead, drew stock from key breeders such as Cox.³⁹ H.R.Trethewie, of Everton, Evandale, bred Devon cattle, descended from his father's herd, which was commenced in 1844 and 'added to by several importations from the best breeders in England'.⁴⁰

Irrigation and drainage

Experience during the early decades of colonisation had shown that in Tasmania regular and reliable rainfall could not be assumed. Prolonged dry periods were far more common than the English-like appearance suggested by the colony's agricultural districts in wetter parts of the year. Very early in the process of colonisation landowners in Longford and the central Midlands sought to improve agricultural performance by providing an ample and regular water supply for both irrigation and power to run grinding mills. One of the first tasks performed by many colonists was to build a ford or weir across the nearest stream or river. A 'stony ford' had been built on the Western (now Meander) River at the future Deloraine township site by 1828.⁴¹ At least 47 wheat grinding mills had been built in the region by 1835, all of them powered by water.⁴² John Whitehead and Donald Cameron both had fords on the Nile River in the 1870s.⁴³ Given that colonisation initially proceeded adjacent to the region's rivers, it is likely many fords and weirs were constructed, for transport, power and water needs.

While some farmers were content to build relatively uncomplicated fords, others pursued more ambitious schemes, sometimes involving the diversion of river flows and miles of channels. These channels serviced grain

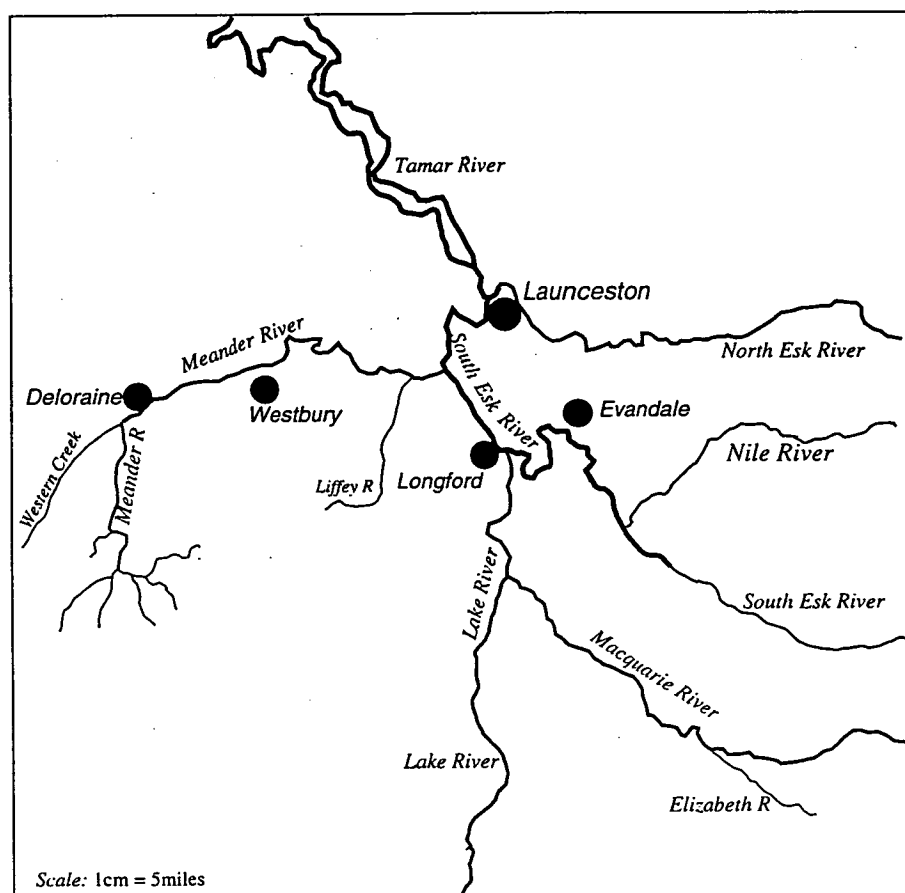
mills and provided water for drinking and irrigation. The schemes were built and maintained mainly by convict labour; when transportation ended, many fell into disrepair. An extensive scheme was built at Strathmore and Clarendon, in the Evandale district, in the late 1820s, with a mill-race some four and a half miles long.⁴⁴ Another was built on Thomas Archer's Cheshunt property, later inherited by his son William. Completed in the summer of 1841-42, Thomas wrote he had

the satisfaction to see the whole of the Meander turned through my floodgates or sluices & run along the irrigating channel and down Leith's creek for 2 miles & away out by the main drain into the Western Creek & down the falls by Knight's Corner again into the River, full 8 miles from where it was taken out upon my land.

Archer described the effect of his irrigation scheme as 'beautiful a sight as I ever saw'. The scheme had 'increased the value of the property ten-fold'. Archer was now able to irrigate 'with ease' 4,000 acres of rich flat land. Two visitors to Cheshunt, Hugh Cotton and James Macarthur, were delighted with the scheme, and Archer complimented 'Old Smyth', who had 'made a most substantial and complete job' of the whole concern of the Sluices etc & 'deserves great credit'. The grass on the property was 'abundant & as green as a leek & all the stock is in good order'. Particularly pleasing for Archer was that irrigating Cheshunt had enhanced the estate's potential for the practice of transhumance; the scheme rendered Cheshunt capable of receiving 7,000 sheep every summer, thus enabling Archer to give the Woolmer's pastures a good rest.⁴⁵ Archer's desire to master nature is apparent, as is his privileged economic status.

Like that at Cheshunt, most irrigation schemes built before 1850 were privately established and were intended to service those estates. But while many interested landowners were content to establish estate-based schemes, others envisaged something much grander, grander even than the scheme built for William Archer. Drought in the early 1840s, the presence of irrigation promoters Arthur Cotton, Hugh Cotton and Count Paul Edmund Strzelecki, and the desire of governors in the period to employ idle convict labour, led to moves to establish large-scale schemes, owned and constructed by the state, which would service extensive districts. After travelling extensively in the colony, the irrigation promoters claimed the Tasmanian topography was eminently suited to large-scale irrigation schemes. In 1843 the Governor, Eardley-Wilmot, following an extensive report by Hugh Cotton, dispatched convict gangs to work on the privately-owned Long

Marsh Dam, at the head of the Macquarie and Elizabeth Rivers. But the British government, miffed that such projects would provide no direct benefit to itself, refused to support the use of convict labour. Eardley-Wilmot was forced to withdraw the workers; further work lapsed, much to the agitation of the local owners. Cotton had proposed the construction of a huge scheme which would service much of the Midlands, Longford and Evandale, as well as Launceston and the Tamar Valley, to the north of Launceston. Had Cotton's scheme gone ahead, the ecological impact would have been far-reaching. His scheme involved interrupting the natural flow of every major river emanating from the Midlands basin. (see Map 7) The idea remained a figment of Cotton's fertile imagination.⁴⁶



Map 7: The Central North's river system. The map shows major rivers, some minor rivers, and a few creeks. A more detailed map would show hundreds of smaller waterways.

Interest in irrigation re-surfaced early in the 1860s. Both Houses of Parliament established Select Committees to investigate the issue. The Legislative Council Select Committee, chaired by prominent Longford landowner W.H.D. Archer, commissioned Signor Alessandro Martelli, an irrigation consultant based in Victoria, to investigate Tasmania's irrigation

potential. Martelli travelled widely across Tasmania, including the Central North, but unlike the earlier promoters, he concluded Tasmania was eminently suited to irrigation not by large-scale general schemes but by small, localised schemes, such as those built at Cheshunt, where the advantages of nature encouraged irrigation. Both Committees accepted his recommendations, and although three bills were drafted in 1861, the only Act to ensue was the 'unremarkable' Irrigation and Drainage Act of 1868. The Act set out a legal framework in which irrigation and drainage could occur, but was defective because it provided no access to a neighbour's property in order to carry out works. Another Select Committee investigated the issue in 1883, but no new Act was passed until 1944.⁴⁷ So for a number of reasons, grand schemes such as that envisaged by Hugh Cotton were not built. A shortage of funds and the reluctance of many parliamentarians to spend money on capital works was a major reason. Money that was available was spent on roads and railways rather than irrigation.⁴⁸ The districts of Evandale and Longford derived most of their wealth from fine wool, which did not need irrigation. Consistently low prices for grains persuaded many farmers to abandon cropping in favour of grazing. In many cases, drainage of wet lands and the embankment of sections of rivers susceptible to flooding were seen as more urgent than irrigation.

Apart from satisfying the aspirations of these men to see technology harness the bounty of nature, a key justification for irrigation schemes, advanced by both Hugh Cotton and Martelli,⁴⁹ was the 'public interest'. As Raymond Wright argues in relation to land use in Victoria, the public interest is a malleable concept, constantly re-invented to suit particular time and place.⁵⁰ Cotton's arguments for irrigation suggest a wide-ranging understanding of the notion of public interest. He argued a large scheme 'would be more equable, and conduce more to general prosperity'. The grand scheme would also promote the sale of crown lands, the major source of government revenue. Major landowners would be ascribed a mill site 'where a fall of water can be allowed, affording sufficient power for threshing, cleaning, and grinding all the corn he can grow, and other farm work, and in most cases supplying fresh water to his dwelling-house and irrigating his garden'. Local towns would also be supplied with water for the production of power and drinking. In addition to the irrigation value which would flow from damming the Elizabeth, Macquarie and Lake Rivers, Cotton saw the South Esk as affording water power and canal communication to Launceston

and its vicinity.⁵¹ The idea of the public interest might seem to represent one of the earliest challenges in Tasmania to the primacy of local elites; but prosperous landlords figured large in Cotton's scheme. Cotton linked the development of large, publicly owned irrigation schemes to the establishment of a widespread tenantry, a development in the process, of occurring anyway. In Cotton's view, these tenants would farm land which was at the time unproductive, and pay rent to the great proprietors.⁵²

Although the three Bills drafted in 1861 were never presented to the parliament, they yield attitudes and intentions relevant to the concerns of this study. The preamble to the draft Irrigation Districts Bill, which sought to establish irrigation districts in line with municipal boundaries, agreed that irrigation was a means of improving the 'productiveness of Pastoral and Agricultural Land' and so was in the public interest. The Bill pertaining to the construction of schemes and the administration of their management sought to establish a mechanism through which an acceptable balance between central and local powers was achieved. The need to achieve such a balance reflected the strength of the ideology of local independence. According to the Irrigation Districts Bill, local landholders, through a locally appointed district surveyor, had considerable planning, administrative, construction and legal powers pertaining to the establishment of local irrigation schemes. Local landholders, at the initiative of ten landholders or two justices, could proclaim an irrigation district, appoint a district irrigation officer to plan and construct irrigation works, initiate a scheme, and determine the extent of land to be irrigated. The governor-in-council could approve or disapprove any proposed appointment of a district irrigation officer, although the cost of any appointment was to be borne locally. The officer would have considerable power over the operation of any scheme, including the 'customary powers' to summarily recover a 50 pound fine for illegally opening or a 5 pound fine for illegally closing a sluice. The officer could appoint 'River Constables, or Water Wardens, to act in obedience to his orders', and he could also fix an annual water rate. The colonial government would appoint a director-general of irrigation whose task would be to assess local proposals, consult with local officers prior to commencement of work, and inspect work in progress. Under the Irrigation Loans Bill, approved projects would be eligible for a loan not exceeding 200,000 pounds. Thus local powers to initiate and manage were to be limited by an ultimate reliance on central government approval and funding.⁵³

The draft Bill setting out the Rights of Passage for Water sought to strike a balance between three competing interests, the rights of nature, the public interest, and the interests of land owners across whose properties rivers and streams naturally flowed. While the draft Bill recognised the right of waters 'to flow wherever nature or art shall enable them to flow', it authorised the compulsory acquisition, if a landowner objected, of the right of passage for water across that landowner's property. A fair price 'according to the law and custom in similar cases of proprietary rights' was to be paid. Any such acquisition across private property was to occur in a way 'least injurious to the Proprietor' and only when 'ascertained in practice to be beneficial to the public interest'. Precisely what was meant by the 'public interest' was not made clear. The Bill did stipulate that 'Professional judgement' was to be involved in making any decisions, delivering to civil servants and other experts the power to negotiate outcomes taking into account the three interests.⁵⁴

As the century progressed the use of small-scale irrigation increased; assessments of its value differed however, to some extent reflecting differing attitudes to tenant farmers. Myles Mahoney, who was persistently sympathetic to the plight of tenant farmers, reported in 1868 that in recent seasons small-scale irrigation had been more widely used in Westbury, and with good results. 'Where irrigation with little expense can be carried out nothing renews or refreshes the land better'.⁵⁵ Later in the century, however, *The Colonist* reported that farmers' ignorance in the practical application of irrigation caused serious problems. Many farmers, it was claimed, irrigated the highest part of a field, expecting gravity to do the rest. The areas directly watered were swamped before the nether portions were wet. An 'enormous growth of weeds' ensued in the wettest areas and a climate conducive to the rapid development of the rust fungus was generated.⁵⁶

Late in the nineteenth century, the irrigation push was linked to two major issues of the day, protection for agricultural produce and land reform. Both protectionists and free traders advanced the notion of irrigation's potential to transform rural Tasmania into a place of arcadian prosperity for small farmers. The irrigation push thus went beyond the idea of agricultural improvement to embrace competing and yet complementary visions of the social place Tasmania might become. A correspondent to the *Daily Telegraph*, W.W.,⁵⁷ argued that irrigation had 'a strong remedial tendency' in relation to the normally 'parlous circumstances' of tenant farmers. Irrigation would reduce the amount of land cultivated and increase the number of farms.

This would diminish 'the too severe competition' for tenancies, 'causing a more equitable adjustment of rent'. The need to cultivate less land would also mean that tenants would need less labour 'and so less capital, and as his capital is usually borrowed, he will be relieved of some of the load of interest'. With production and hence income 'sure', the tenant would 'enjoy a greater sense of security in the possession of his hard-earned gains'.⁵⁸

Anticipating the Closer Settlement Scheme of the early twentieth century,⁵⁹ another commentator went a step further and claimed that irrigation had the potential to force the redistribution of agricultural land into small farms. Experience in other countries had shown that where irrigation was adopted 'the sub-division of large and unimproved estates follows on as an almost necessary corollary'. Expressing the ideology of landed independence and linking it to an argument for protection, the correspondent argued that a small class of industrious, freehold farmers would replace 'a few men wealthy in land and poor in pocket', thereby implementing 'practical land nationalisation'. Laws designed to encourage landed independence, however, were useless if a free trade policy, which was 'favourable to the aggregation of large estates', continued. 'Farmer Will' agreed that 'no natural affinity' existed between irrigation and free trade. Practically, irrigation and protection were mutually dependent; cheap imports would always threaten Tasmanian produce.⁶⁰

Asserting an affinity between irrigation and free trade which 'Farmer Will' denied, W.W. claimed that irrigation would retain its remedial power only if a free trade policy remained in place. Free trade was traditionally associated with agriculture, and protection with manufacturing.⁶¹ The principle of commercial irrigation involved small profits on cheaply and surely produced crops; the crux of agricultural profitability was 'certainty in production' and only irrigation could provide this. All that was necessary was for the farmer to irrigate with the wisdom begotten of experience, or acquired by an intelligent study of the principles of plant life and a diligent observation of plants and seasons. Most tillers of the soil were ignorant of this principle; this ignorance, combined with an absence of enterprise, a want of capital, and the uncertainty of tenure 'seriously fetter the prosperity of this our land'. Protection was no remedy; it artificially inflated prices and limited market range, and hence was in opposition to the irrigation principle. W.W. held that 'as a maxim the market of the irrigationist is the world'. The protectionist 'strives to limit production to the exigencies of the home market'. But the

irrigationist, 'of a more leonine spirit, enters a competition in the world's arena...' Further, irrigation would encourage a population increase 'without the evils of cities' while the railway would provide access to many of the city's advantages, and the increased production would render the railway profitable.⁶²

Late in the century a new irrigation guru emerged. Maurice Weston, W.P. Weston's second son and a property owner in Bothwell, travelled the countryside delivering lectures on irrigation and wrote newspaper articles tinged with an evangelical fervour. Weston dedicated himself to effecting 'the transformation of Tasmania into a land flowing with milk and honey, by getting it covered with a network of irrigation channels'. He surmised that one way of achieving his dream was for Tasmania to become a part of Victoria so that Alfred Deakin could oversee construction of the necessary infrastructure, although Weston was fully aware of the futility of such an ambition, given the strength of Tasmanian parochialism. 'Alas! If such a thing was proposed, the dignity and fire of a Tasmanian islander would be up, thinking that our little kingdom would be swallowed up instead of being made more consequential and important by being part and parcel of so great a country as Victoria.' If adopted, Weston felt sure, such a proposal 'would soon alter Tasmania into a most fertile, fruitful, and attractive land, with a prosperous enlightened population'. Weston, however, was not entirely without hope. Embarrassed by Tasmania's reputation in Victoria as a "Sleepy Hollow", he had begun to notice 'signs of our people awakening to the urgency of their affairs'; he saw that 'the people are becoming alive to the necessity of bringing in an abundant supply of water on their now dry and parched-up lands'. Weston urged his readers to demand of their politicians an irrigation bill and the funds to implement it 'or else stand on one side and make room for more capable and far-sighted men, who will keep up with the times and not allow the youth and strength of the country to desert Tasmania's shores, as they are doing every day.'⁶³

The irrigation rhetoric inspired a group of Hagley farmers to countenance the possibilities for irrigation in their district. The farmers devised a 'practicable' scheme involving diversion of the Meander River from a point above Porter's Bridge, near Exton. A canal would pass along a low range of hills from Exton and empty into a creek running below Quamby House. Estimated to cost 8,000 pounds, the scheme's promoters imagined it would irrigate some 20 square miles. But if, according to *The Colonist's*

Hagley correspondent, the scheme was to go ahead, it 'requires some of our energetic men to take the matter up'. Since most farmers in the district 'have never seen, and probably never heard of, the benefits of irrigation', it was proposed by the correspondent, in order 'to bring the matter more forcibly' before farmer's minds, that Maurice Weston be invited to Hagley to lecture on the subject. Reflecting the commonly-held unflattering view of tenant farmers, the correspondent hoped that Weston's lecture might 'move to action a class of men which, as a rule, take a great deal to move them out of the ordinary groove'.⁶⁴ Weston's lecture, it seems, failed to have the desired effect. I was unable to locate evidence to suggest the scheme was even commenced, let alone built.

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The need for widespread land drainage was of much concern to several observers, not least the many farmers whose sheep contracted the liver disease, fluke. Following floods, which occurred at any time of the year, stagnant pools formed on low lying ground; some pools dried out, depending on the weather, others remained marshy lagoons. Much of the country was subject to flooding,⁶⁵ and hence poorly drained land was not uncommon. Much of the country can thus be imagined as a mosaic of wet and dry, the wet lands acting as drainage valves for adjacent drier land. Since most dry plains country had been occupied the mid-1820s, colonists seeking cleared land in subsequent years had little option but to turn to the intermittently wet swamp country. An 1869 Royal Commission inquiring into the reasons for the incidence of fluke focussed attention on land drainage,⁶⁶ apparently promoting a wider interest in the practice. Only from the 1870s was land drainage widely practised by tenant farmers, at least in Westbury. In 1868, Myles Mahoney lamented that insufficient drainage had been carried out. He reported in 1870 that 'a great number of tenants in this District...[were]...not in a position to expend money on draining their lands; those who could derived 'very great advantage...whether in crop or otherwise'. In 1872 Mahoney reported again that lack of drainage was a problem, especially for tenant farmers.⁶⁷ Even at the fabled Norfolk Plains the lack of underground drainage left the land 'thoroughly saturated with wet', preventing work and damaging crops, when heavy rain fell.⁶⁸ In Mahoney's view, the refusal of Westbury's landlords to finance the construction of drains was a major reason for tenants' failure to build them.⁶⁹ In England landlords recognised that drainage was needed in order to retain the rent-paying capacity of tenants,

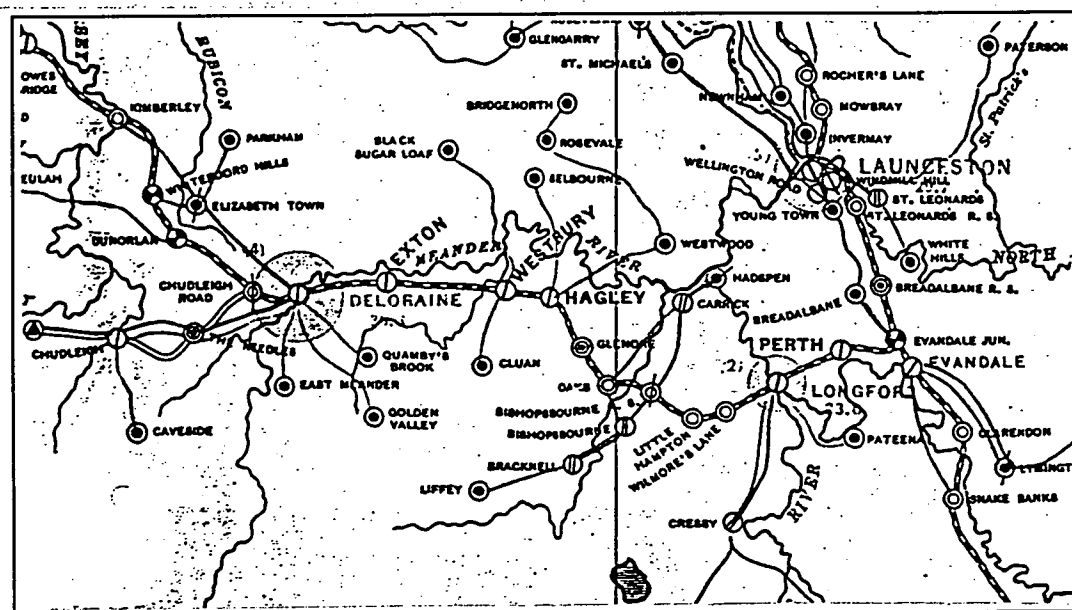
although the cost of improvements was often not met, or barely met by an increased rental capacity.⁷⁰ Mahoney noted that 'if the tenant farmer received such encouragement from his landlord as would enable him to make drains of a permanent nature, in a few years the outlay would well repay'. By 1877 Mahoney's attitude was more positive. He was able to report that 'a good deal' of underground drainage was practised in Westbury, as well as open drains, some 13 feet wide and five feet deep. Wherever drainage was practised, double the number of stock was carried.⁷¹

Some larger landowners engaged in land drainage, apparently for their own direct benefit. When Evandale's Donald Cameron bought a Longford property in 1882, he set about 'improving' his new purchase, 'draining the marshes and embanking the river in low places'.⁷² Land drainage, however, was expensive and success not guaranteed. Farmers draining their properties sometimes found nature often frustrated their efforts. Despite the drains dug by convict labour, Cheshunt was still extensively subject to flooding in the early twentieth century; using laser technology, the current owners of land formerly part of the property are presently engaged in a sophisticated and expensive venture to drain the place.⁷³

Mechanisation

In 1866 the government statistician argued the one factor crucial to minimising farm costs was the mechanisation of agriculture. Mechanisation would save on manual labour and perform large amounts of work more quickly.⁷⁴ Tasmanian farmers, however, were slow to adopt the 'labour-saving appliances of the advancing mechanical age'. Their preparedness to use primitive modes of ploughing, harvesting and threshing was puzzling, given the frequent complaints about the scarcity of labour, its high cost, and the 'low character' of what was available.⁷⁵ Steam was the panacea, according to the statistician, the English experience suggesting cultivation could be profitable where the extent of land did not exceed 200 acres. Certainly he perceived steam as a major advance over horse power. Again drawing on English experience, the statistician urged the formation of farmers' co-operatives in order to purchase steam engines. Steam power, however, co-operatively or otherwise owned, was not a favoured option for farmers in the Central North. Horses maintained their central role in providing energy to drive farm machinery at least until 1891.⁷⁶ The statistics do show that the use of horse-powered agricultural machinery was widely embraced

after 1870. The incidence of sowing and harvesting machines, especially hay rakes, mowers, reaper/mowers, reaper/binders, chaff cutters, threshing machines, seed drills and sowing machines increased dramatically in the years between 1871 and 1891. Also popular were machines to work the soil. Horse driven hoes, grubbers and scarifiers increased from 154 in 1871 to 565 in 1891. Double and treble furrow ploughs increased from 155 in 1881 to 472 in 1891.⁷⁷ In 1888 *The Colonist* reported that machinery was in general use, but suggested the main impetus for its adoption was the scarcity of labour; hand reaping was confined by then to a very limited area.⁷⁸



Map 8: The Western Railway: the railway's promoters argued, vainly as it happened, that the railway would enhance agricultural profitability in the region.

The decade between 1870 and 1880 saw a rapid mechanisation of the harvesting process, especially in relation to wheat. Across the colony in 1872-73 less than 6% of the wheat crop was reaped by machine; in 1880, machines were used to reap 49% of the crop. The statistician, indulging himself in praise of the farming community, lauded the increase as 'remarkable', speculating that with the present improved appliances the increase will certainly be, 'if possible, still greater'.⁷⁹ Improved machinery allowed some change in choice of crop. The purchase by an Evandale farmer of a machine capable of threshing barley meant that in 1868-69 twice as much barley was grown, at the expense of oats. This was a promising development, since barley was 'more remunerative' than oats.⁸⁰ Mechanisation encouraged some increase in the amount of land under cultivation, especially in the 1880s and

1890s, although the general tendency was not in favour of tillage. Some improvement in tillage appliances had marginally improved output but many farmers chose or were forced to abandon cropping for grazing or dairying. The statistician ventured that the decrease in costs due to mechanisation should enable farmers to make as much actual profit as they did under the old manual system.⁸¹ So the hope for mechanisation, at least from the statistician's point of view, was that the farmer could mark time, merely maintaining profit margins, and this at a time when the colony's economy was in the throes of economic recovery. More realistically Myles Mahoney soberly noted an increase in the acreage under crop although yields had fallen significantly and cropping was generally 'unremunerative'.⁸²

A further expression of mechanical improvement was the Great Western Railway. Begun after Richard Dry was elected premier in 1866 and completed in 1872, the railway began in Launceston, travelled south through the Evandale district, then made its way westward through Longford and Westbury to Deloraine. (see Map 8) Citing the 'general interests of the community', petitioners from 'the Northern Districts of Tasmania' in 1857 claimed the railway would enhance farming profitability in the Central North by modernising the transportation of produce to Launceston markets, and sustain competition with adjacent 'countries', or colonies. The railway would also facilitate 'the development of the fertile Western Country', where 'large deposits' of limestone, freestone, marble, slate, and the 'inexhaustible forests of the finest timber' awaited the exploiters' energy.⁸³ The hopes of the railway's promoters, however, were not realised. Little positive impact on agricultural profitability ensued while external markets remained elusive. The region was drawn more firmly into a wider agricultural market, but the railway ran at a loss and eventually the government was forced to buy it from its private owners.⁸⁴

Centralising agricultural knowledge

Until the early 1890s, the generation and dissemination of agricultural knowledge fell to local agricultural associations.⁸⁵ The Northern Agricultural Society, based in Longford, and the Western Agricultural Association, based in Westbury and incorporating the districts of Westbury and Deloraine, both existed prior to 1865. The Morven Agricultural Society, based in Evandale, was established on 22 June 1868.⁸⁶ The Northern Agricultural Association held an annual exhibition of stock, implements and machinery every

November as well as a show in April each year for seeds, fruits, flowers and roots.⁸⁷ Association members sometimes gave lectures on agricultural practice. As president of the Western Agricultural Association, William Archer delivered a lecture on 'The Vegetable Kingdom' in Deloraine in May 1863. About 40 people attended. Archer later recalled that the audience was 'very attentive but gave no signs of perception except when I made them laugh.'⁸⁸ In the early 1890s, however, the colonial parliament decided to intervene in the education of farmers. In 1892 the Hobart-based Tasmanian Council of Agriculture was formed as a statutory body in order to promote agricultural improvement.⁸⁹ Integral to the Council's purpose was an organisational structure which sought to allow central government involvement in farming while providing for the advocates of local authority.

The establishment of the Council of Agriculture heralded a shift towards the centralisation of generating and disseminating agricultural knowledge. Like that used to share power between central and local authorities on the mooted irrigation boards, the mechanism created to administer the Council of Agriculture reflected a desire to achieve a balance of powers between the competing principles of central and local authority. The Council, which was based in Hobart, consisted of civil servants and representatives of the various branches of agriculture. Exception was initially taken that all districts were not represented on the Council, but the argument prevailed that the various branches of agriculture and not districts needed representation. Representation was drawn from across the colony. This move away from local influence was balanced by the establishment of local Boards of Agriculture based on municipal boundaries. Through its employed experts and the local boards, the Council sought to influence government policy, involve itself in educative roles with farmers, and conduct research designed to improve yields. The establishment of the Council and its constituent boards challenged the local influence of the older agricultural associations. Local Boards of Agriculture offered more farmers the opportunity to assume positions of influence and power, although the inaugural annual report noted that several members of the initial Council were also members of one or more Road Trusts, Town Boards, or Municipal Councils.⁹⁰

The Council perceived a two-fold advantage in the smooth functioning of relations between itself and local boards. One was 'to obtain a better idea of the agriculture of the country, its needs and advantages...' The other was to 'improve the social condition of the farmer, and give him an

opportunity to keep more abreast of the time'. W.E. Shoobridge, foundation president of the Council, saw independence as one major problem encountered by farmers. As a rule, 'farmers are not disposed to unite for mutual help', he wrote. 'No occupation promotes an independent character like farming, especially when men go into the forest and hew out homes for themselves'. Relying on nature and their own labour and skill, farmers preferred 'not to trouble themselves how others are doing'. But when tough conditions persisted 'slowly they are forced into considering their position in regard to other members of society'. When labour costs increased and the price of produce decreased, when crops were destroyed by pests, and rents and taxes and interest increased, 'farmers are forced to look for assistance outside their farms'. Shoobridge conceived of the Council as the farmers' friend in this scenario 'because we are able to give a voice to their necessities, and show them the reason and nature of their difficulties, and put them in the way of removing them.' From the farmers' 'ability and strength' the Council would create 'a united and intelligent effort'.⁹¹

The farmer-Council relationship would be advanced through several means. Local branches, the backbone of the system, would reach every farmer and bring them together for mutual help. The Council's journal and its various experts would provide practical instruction in improved methods of production and the means of combatting pests. Overall, the exchange of experience and ideas between farmers would be enhanced.⁹² Local boards were well patronised by central North farmers. By 1893 boards were formed at Cressy, Deloraine, Kimberley (near Deloraine), Evandale and Westbury. Some local boards were formerly agricultural associations, becoming boards of agriculture on their own resolutions. Others were formed by residents of districts in which branches were established. The Council felt the local boards had applied themselves to their duties 'most spiritedly', and that 'eagerness' and 'desire' characterised the commitment to advance the interests 'of agriculture in any and every branch'. Valuable suggestions were made and a free expression of opinion, when sought, was forthcoming. Local boards were composed 'of the right sort of men, energetic and enterprising', men who 'desire to advance agriculture for the benefit of their country, themselves, and their fellows'. Local speakers shared their knowledge at branch meetings. In 1893 papers delivered by Evandale members included 'Ensilage' by J.W.Cheek, 'The Codlin Moth' by J.L.Smith and 'The Rabbit Question' by James Cox.⁹³ In 1896 the Chudleigh branch heard F.D.Roberts speak on

horse breaking and C.Pearn on potato growing. At Evandale the Reverend H.D. Atkinson spoke on some functions of plants and J.W. Cheek on crop rotation.⁹⁴

Given the resources committed to growing wheat (see ch4), it is not surprising that the Council of Agriculture concentrated much of its research energy on developing a rust resistant strain of wheat, suitable to Tasmanian conditions. Due to a lack of funds, the Council was unable to do much in the way of establishing systematic experiments; much to its delight, however, the Council found a willing private benefactor. Frank Maddox, of Eastfield, Newnham, now a northern suburb of Launceston, proved to be 'a most enthusiastic, careful and skilled wheatgrower, [who] readily agreed to finance and carry out such experiments'. With 'a patriotism that is most praiseworthy', wrote the Council, Maddox in 1893 'planned out, cultivated, and planted 198 plots of wheat'. He also experimented with grasses for permanent pasture and potatoes.⁹⁵ In 1896 Maddox's system of experimentation was extended to other locations in the north of the colony. A meeting of several northern boards decided that this line of action would succeed in enlisting the 'interest of a large portion of the farming population throughout the Island, at a practically minimal cost'.⁹⁶ In choosing to devote much of its energy to improving strains of wheat, however, the Council seemed fascinated with the scientific challenge despite the long-standing market problems growers encountered.⁹⁷

The Council sought to advance the education of farmers through two other means, the establishment of an agricultural museum and a school for farmers' sons. The Council was convinced that a museum could be of great assistance in the education of farmers and their sons. A museum, in addition to displaying plant species and agricultural machines, would display all kinds of animal diseases and pests, as well as the pests' natural enemies. The museum would also seek to standardise species nomenclature. The proliferation of local names for the same varieties of wheat and oats, for example, greatly concerned the Council. Standardisation would improve knowledge and promote a greater awareness of the growth habits and yielding capabilities of particular varieties. It would also assist Council staff to reply to enquiries; proliferation made responding to enquiries 'difficult and confusing'. An agricultural museum was the central place where the one 'true' variety of any species would be displayed, where all could see it. On the matter of an agricultural school, the Council in 1893 lamented that a proposal to the

government to establish technical instruction in agriculture to the sons of farmers and others learning to be farmers had come to nothing. The Council welcomed a proposal from the principal of Horton College, Ross, to establish an Agricultural School in connection with that institution 'but wont [sic] of funds prohibited the Council from doing anything in the matter'.⁹⁸ Proposals for a museum and an agricultural school, and indeed many of the Council's activities, reflected a desire to reshape agricultural knowledge in a scientific framework. Evident too is a desire to centralise the generation and dissemination of knowledge and hence power in the agricultural sphere, the educative functions of local boards notwithstanding. The balance was inexorably away from the local and towards the centre.

Despite the emergence of local Boards of Agriculture, the older associations, especially the Northern Agricultural Society and the Western Agricultural Association, continued their activities. Admittedly these organisations pursued activities different from the Council boards, focussing on annual shows rather than education. But the enthusiasm with which many farmers, both large and small, embraced local boards may in part be explained by the domination of the older associations by a few men. In 1865 Richard Dry was president of both organisations. Longford pastoralist Joseph Archer was president of the Northern Agricultural Society from 1875 until 1900, with the exception of a few years around 1890 when Allan McKinnon, another large landowner in Longford, held the fort. Secretaries and treasurers included members of the Archer, Gibson, Nickolls, Gatenby and Arthur families, all prosperous pastoralists. The Western Agricultural Association did not remain the captive of large landowners, although Daniel Burke, a prosperous tenant farmer, dominated the Western Agricultural Association through most of the 1880s and 1890s.⁹⁹ Towards the end of the century, many Tasmanian farmers were no longer willing to accept the concentration of paternalistic power in local organisations. The local Boards of Agriculture offered them a place in the realm of public power, and can thus be seen, along with the Council of Agriculture itself, as a factor eating away at the vigour of local paternalism.

Conclusion

Small farmers and especially tenants were viewed by many observers in a poor light. It would be easy to accept the evidence at face value and conclude that most small farmers were poor practitioners of their chosen

craft, that they made inappropriate decisions about what to grow, especially in their persistence with wheat, that they were primarily responsible for their poverty and for extensive soil exhaustion. But this unflattering view needs to be treated with caution. While many were in all probability poor farmers, most laboured under conditions of chronic poverty on exhausted land to which any sense of belonging was always circumscribed by the inherent insecurity of tenantry or the ever-threatening mortgage foreclosure. Many tenants received little, if any, assistance from their landlords to improve their holdings. In England, assistance was an obligation landlords generally accepted, but in the cut-throat world of colonial money-making, convention usually gave way to self-interest.

Despite the poor image of small farmers, improved practices were observed from about the late 1860s, at least in Westbury and Longford. Given that Westbury had high levels of yeoman farmers, improvement there is not surprising. Larger farms almost certainly meant at least reasonable levels of prosperity and hence a stronger motivation to improve holdings and practice. Myles Mahoney reported in 1869 that every year in Westbury 'improvements are visible in the system of agriculture. Fallowing the land, ploughing, and harrowing seem to be performed with greater care and attention. In ploughs in particular are visible great improvement.' While there was no irrigation, which was expensive to establish, 'except on a small scale...Drainage of land receives more attention than in any former year, with very satisfying results'. In the mid 1870s each of the four collectors reported that farmers generally paid greater attention to improving breeds of cattle and sheep, with greatly improved results.¹⁰⁰ Any assessment of small farmers' capacities needs to consider the likelihood of a certain prejudice against them, of a willingness to blame them for the ills of agriculture without taking into account their meagre resources and limited motivations for improving their farms. Even in very difficult seasons, such as 1888, when low prices and a prolonged dry season reduced many small farmers to virtual paupers, a tendency was evident in some observers to find poor farming practice at least partly responsible for the parlous circumstances endured by many farmers. Some farmers, according to *The Colonist's* Deloraine correspondent, failed 'to help themselves', the 'poorness' of their returns 'due to some extent to neglecting to bestow upon the land the amount of labor it must have in order to make it productive.' Another bad habit manifest among some farmers was 'frittering away valuable time in the early part of the year'. The correspondent

argued that if 'a man brings intelligence and energy to bear upon his work, and then fails, he is worthy of help and pity'.¹⁰¹ As a social class, however, small farmers received scant assistance from those in a position to help.

Notes

- ¹ *Illustrated Tasmanian News*, 15 April 1873
- ² Bolton, *Spoils and Spoilers*, p14
- ³ Ecological degradation is referred to only in passing in this Chapter. It is discussed in greater detail in Chapter 8.
- ⁴ Morgan, *Land Settlement*, p37; Bolton, *Spoilers and Spoilers*, pp 12-13
- ⁵ Margaret Mason-Cox, *Lifeblood of a Colony: the history of irrigation in Tasmania*, Hobart: Rivers and Water Supply Commission, 1994, p86
- ⁶ Statistician's Report, *ST*, 1866
- ⁷ *Illustrated Tasmanian News*, December 1873
- ⁸ Sprod, *Whitehead Letters*, pp 203, 208
- ⁹ *The Colonist*, 13 December 1890; see also H. Dow (ed), *Trollope's Australia*, Melbourne: Nelson, 1966
- ¹⁰ Scott, 'Farming', in Davies, *Atlas of Tasmania*, p58
- ¹¹ Agricultural Returns, *ST*, 1875
- ¹² H. Widowson, *The Present State of van Diemen's Land...*, London: Robinson & Joy, 1829, p135
- ¹³ Morgan, *Land Settlement*, p36
- ¹⁴ West, *History of Tasmania*, p38; Edward Curr, *An account of the colony of VDL principally designed for the use of Emigrants*, London: George Cowie & Co, 1822/republished in Hobart: Platypus Publications, 1967, pp 34-9, and Mead, 'Norfolk Islanders in Norfolk Plains', pp 63, 70, take similar lines.
- ¹⁵ *Cyclopaedia of Tasmania*, pp 167-71, 204-234
- ¹⁶ A Recent Settler, *Emigration to Tasmania*, pp 89, 79, 83
- ¹⁷ *Illustrated Tasmanian News*, April and September 1873
- ¹⁸ *Cornwall Chronicle*, 8 February 1860
- ¹⁹ See also Agricultural Returns for Port Sorell, *HAI* no1 1871 and Stokes, *North West Tasmania*, pp 70-1, for discussions of poor or non-existent manuring practices
- ²⁰ Statistician's Report, *ST*, 1866
- ²¹ Recent Settler, *Emigration to Tasmania*, p44
- ²² *Illustrated Tasmanian News*, April 1873
- ²³ Agricultural Returns, *ST*, 1877
- ²⁴ Agricultural Returns, *ST*, 1870, 1880, 1891, 1901
- ²⁵ Select Committee into the best means of attracting...intending Emigrants to...Tasmania, *HAI* no105 1882
- ²⁶ Agricultural Returns, *ST*, 1872, 1873, 1891
- ²⁷ Statistician's Report, *ST*, 1866
- ²⁸ Statistician's Report, *ST*, 1866; see Ch4
- ²⁹ Agricultural Returns, *ST*, 1868
- ³⁰ Statistician's Report, *ST*, 1866
- ³¹ Agricultural Returns, *ST*, 1869
- ³² Statistician's Report, *ST*, 1880
- ³³ William Archer, 'Some observations upon the plants which are characteristic of agricultural, pasturable and bad lands, respectively, in Tasmania', *Papers and Proceedings*, Royal Society of Tasmania, 1864, pp. 96-100
- ³⁴ *The Colonist*, 13 December 1890; The Tasmanian Council of Agriculture is discussed more fully below in this chapter.
- ³⁵ Agricultural returns, *ST*, 1875
- ³⁶ Agricultural returns, *ST*, 1868
- ³⁷ Agricultural returns, *ST*, 1875
- ³⁸ Morgan, *Land Settlement*, p68
- ³⁹ Sprod, *Whitehead Letters*, p59
- ⁴⁰ *Cyclopaedia of Tasmania*, p171
- ⁴¹ McKay, *Land Commissioners' Journals*, p78
- ⁴² Morgan, *Land Settlement*, p82
- ⁴³ Sprod, *Whitehead Letters*, p81
- ⁴⁴ Mason-Cox, *Lifeblood of a Colony*, pp 2, 32-6
- ⁴⁵ Thos Archer letter, in Chick, *The Archers of Van Diemen's Land*, p15
- ⁴⁶ Mason-Cox, *Lifeblood of a Colony*, pp 80, 88, 104-110

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- ⁴⁷ Mason-Cox, *Lifeblood of a Colony*, pp 138-44
- ⁴⁸ Sprod, *Whitehead Letters*, introduction, pp 9-16
- ⁴⁹ Mason-Cox, *Lifeblood of a Colony*, pp 84, 138-9
- ⁵⁰ Raymond Wright, *The Bureaucrat's Domain: Space and the Public Interest in Victoria 1836-84*, Melbourne: Oxford University Press, 1989
- ⁵¹ Correspondence: Draft Irrigation Bills, *LCJ* no25 1861
- ⁵² Mason-Cox, *Lifeblood of a Colony*, p109-10
- ⁵³ The three irrigation bills were the Irrigation Districts' Bill, the Irrigation Loans Bill, and the Rights of Passage for Water Bill, *LCJ* no25 1861; central-local relations are discussed in Chs 7 and 10.
- ⁵⁴ Irrigation Bills, *LCJ* no25 1861
- ⁵⁵ Agricultural Returns, *ST*, 1868
- ⁵⁶ *The Colonist*, 28 April 1888
- ⁵⁷ This correspondent is probably W.D. Weston. See endnote no59, Ch5
- ⁵⁸ *Daily Telegraph*, 28 April 1888
- ⁵⁹ See Ch2
- ⁶⁰ *Daily Telegraph*, 24 April 1888
- ⁶¹ *Daily Telegraph*, 10 April 1888
- ⁶² *Daily Telegraph*, 18 April & 28 April 1888
- ⁶³ See entry on W.P. Weston, *ADB*, vol 2, 1788-1850, p593; *The Colonist*, 7 April 1888
- ⁶⁴ *The Colonist*, 31 April 1888
- ⁶⁵ See Prologue, notes 38 & 40
- ⁶⁶ Royal Commission on Fluke in Sheep, *LCJ* no32 1869
- ⁶⁷ Agricultural Returns, *ST*, 1872
- ⁶⁸ *Illustrated Tasmanian News*, September 1873
- ⁶⁹ Agricultural Returns, *ST*, 1872
- ⁷⁰ F.M.L. Thompson, *English Landed Society in the Nineteenth Century*, London: Routledge & Kegan Paul, 1969, pp 247, 249
- ⁷¹ Agricultural Returns, *ST*, 1872, 1877
- ⁷² Sprod, *Whitehead Letters*, p211
- ⁷³ Closer Settlement: report of Select Committee, *LCJ* no18 1909. See, for example, evidence given by Daniel Griffen, pp 53-55, John Sullivan, pp 55-57, George Burls, pp 92-93, William Chilcott, pp 93-94; pers comm, Delton Hedges, 1 January 1995
- ⁷⁴ Statistician's Report, *ST*, 1866
- ⁷⁵ *Cornwall Chronicle*, 6 July 1874; Agricultural Returns, *ST*, 1872-3, 1874
- ⁷⁶ Statistician's Report, *ST*, 1866
- ⁷⁷ Calculated from Agricultural Returns, *ST*, 1871, 1881, 1891; see also K.M. Dallas, *Horse Power*, Fuller's Bookshop, Hobart, 1968, pp 10-12, 18-19
- ⁷⁸ *The Colonist*, 21 January 1888. The impact of mechanisation on labour needs and work practices is discussed in Ch9
- ⁷⁹ Statistician's Report, *ST*, 1880
- ⁸⁰ Agricultural Returns, *ST*, 1868
- ⁸¹ Statistician's Report, *ST*, 1880
- ⁸² Agricultural Returns, *ST*, 1880
- ⁸³ Petition from colonists residing in the Northern Districts of Tasmania in favour of a railway from Deloraine to Launceston as a public work..., *LCJ* no 23 1857
- ⁸⁴ Townsley, 'The Launceston and Western Railway Company', pp 7-8; Robson, *History of Tasmania*, vol 2, pp 57-66; Shayne Breen, 'Land and Power in the District of Deloraine, 1825-75', pp 29-30. The railway is briefly discussed as a political issue in Ch10.
- ⁸⁵ See *Illustrated Tasmanian News*, December 1873
- ⁸⁶ *Walch's Almanac*, 1881, p226
- ⁸⁷ *Walch's Almanac*, 1865, p153
- ⁸⁸ William Archer diaries, in Chick, *The Archers of Van Diemen's Land*, p169
- ⁸⁹ Tasmanian Council of Agriculture Act 1891, 55 Vic/43
- ⁹⁰ Council of Agriculture Report, *LCJ* no77 1893
- ⁹¹ Council of Agriculture Report, *LCJ* no77 1893
- ⁹² Papers and other information of interest to farmers were delivered at local board meetings. In its first year the Council issued three bulletins, on modern dairying, rust in wheat, and permanent pasturage. The government entomologist's *Handbook of Insect Pests* was also widely distributed. During the 1890s, Council visitors to local boards spoke on a variety of topics including railway freights, the destruction of sparrows, tree growing, grain storage, markets, hide flaying, crimson clover, and spraying experimental plots. Through the Council's secretary, a constant intercourse with heads of government

would give legislative effect to farmers' needs. The Council was not successful, however, in attracting the level of funding it anticipated. The Council's 1896 report emphasised that its activities, especially new initiatives, were restricted by a lack of funds. This was a complaint in the foundation report; in the 1896 report it was the first point made.

'Owing to the reduction in our vote, and the necessity for observing the strictest economy so as not to exceed the funds allotted, initiative practices had been largely restricted'.

See Council of Agriculture Reports, *LCJ* no77 1893; no34 1897

⁹³ Council of Agriculture Report, *LCJ* no77 1893

⁹⁴ Council of Agriculture Report, *LCJ* no34 1896

⁹⁵ Council of Agriculture Report, *LCJ* no77 1893

⁹⁶ Council of Agriculture Report, *LCJ* no34 1897

⁹⁷ Perhaps the Council's most noteworthy success was the establishment of the dairy industry in northern Tasmania. Shortly after its formation the Council ascertained from agriculture departments in 'sister Colonies...the methods adopted by them for the advancement of this important branch of agriculture', finally adopting the Queensland system of touring a travelling dairy. Incorporating apparatus for butter and cheese making, the travelling dairy was conceived and made with simplicity and economy in mind. The dairy toured several districts in northern Tasmania, none of them in the central north, staying ten days at each and offering courses of instruction, mainly attended by women and girls. According to the Council, the greatest success in the push for the dairy industry was the formation of co-operative dairy companies and the establishment of butter and cheese factories. Organisations of both kinds were established in Deloraine and Longford early in the twentieth century. One result of these developments was a decrease in home made potted butter, reflecting the wider shift from home-based industry to factory environments. Export to Great Britain was envisaged. See Council of Agriculture Report, *LCJ* no77 1893; Robson, *History of Tasmania*, vol 2, p266

⁹⁸ Council of Agriculture Report, *LCJ* no77 1893

⁹⁹ *Walch's Almanac*, 1900

¹⁰⁰ Agricultural Returns, *ST*, 1869, 1874, 1875, 1876

¹⁰¹ *The Colonist*, 2 June 1888

Chapter 7

ERADICATING PESTS & DISEASES

individual liberty & the common good

[it is]all very well to talk about local government and the advisability of conferring powers on local bodies, but the facts are conclusive, and what is the good of fighting against them in support of idle theories? There are some things which local bodies never do well, and these are some of them.¹

Farming profitability was regularly undermined by a wide range of pests and diseases, many of which, including rabbits, thistles and scab, had been imported into the colony.² In most cases measures taken to eradicate pests and diseases employed a detection and punishment approach and were directed at small farmers, most of whom were tenants. Class, however, was one of two central elements shaping the conception and administration of eradication measures. The other was place, and the attendant ideologies of local and central authority. Class and place-based relations of power thus intersected in the sphere of eradicating pests and diseases. Two Acts, the 1869 Scab Act and the 1883 Californian Thistle Act, were administered by colonial inspectors but charges were heard by municipal magistrates. Administration of the Rabbit Destruction Act shifted between local and central authority. These power-sharing mechanisms often produced considerable tension between central and local places, and at certain times class and place-based relations of power intersected. Small farmers, for example, were generally held responsible for the incidence of scab, but landlords and tenants often united in opposition to the implementation of eradication measures by centrally appointed authorities. The issue of pest and disease eradication thus suggests that explaining power relations in terms of class alone fails to take account of the central role of allegiance to place in the exercise of formal political and legal power.

The story of these eradication measures reflects this work's major themes of place, power and social law. Debate revolved around two issues: the use of inspection and punishment powers, and the question of whether authorities in local or central places should administer eradication measures. Since social law was a vital ingredient in the eradication process, much debate occurred about which ideas should underpin legislation. Advocates of local authority espoused traditional English notions of the rights of property,

individual liberty and common law. From about 1870 the ideology of central authority, which rested on such notions as the common good and later the emergence of parliamentary democracy, challenged the legitimacy of local authority as a philosophical basis for law enforcement, not only in the sphere of eradicating pests and diseases but also in policing public places.³ Protagonists expressed their views in parliamentary debates, select committee hearings, in newspapers and petitions, and by various actions at the local level.

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An 1869 Select Committee which inquired into the extent of scab recommended that 'legislation should be enacted to prevent scab, and inspectors appointed to enforce provisions of the Act'.⁴ James Whyte, a Midlands grazier, MLC, former premier, and chair of the Select Committee, drafted a Scab Bill. In the process of drafting his bill, Whyte corresponded with a number of graziers from Tasmania and mainland colonies. Subsequently he produced their letters in parliament in support of his bill. Most agreed with the need for legislation. Robert Clerk, from Belfast (later Port Fairy) in Victoria, commended Whyte for avoiding the local board system. Clerk advised Whyte that when penal enactments were applied against particular classes, in this case the sheep-owning class, the local approach was 'obviously radically wrong'. The local board system intimidated inspectors and tempted sheep owners, who composed the membership of such boards, to use their power, out of 'self interest or revenge', to injure any inspector who moved against them.⁵ Later experience of the Rabbit Destruction Act in Tasmania suggests Whyte was wise to avoid the board system.⁶

Opponents argued that Whyte's bill violated accepted standards of justice. Alexander Reid told the Committee the bill was 'arbitrary and unnecessary'. Francis Cotton, a Quaker from the east coast, thought the bill an invasion of individual liberty and property rights. John Brent considered it 'a tyrannical measure to compel a man to dip his sheep whether they are diseased or not'. Bothwell's John Ibbot was 'entirely opposed' to the bill; he claimed sheep owners he knew were generally hostile, and he felt the level of powers would corrupt inspectors, who would favour 'a certain few'. He opposed any tax on sheep and the appointment of a permanent staff of officials.⁷ A correspondent to the Launceston *Examiner* objected to sections 23, 25 & 26 under which shepherds were subject from one to three months

imprisonment, with or without hard labour, for failure to comply with the Act.⁸ Whyte dismissed objections based on liberty and rights on the grounds that similar violations occurred in England when infectious diseases needed to be controlled, and that the Tasmanian Act was less stringent than those in mainland colonies.⁹

The Select Committee report claimed that opposition was limited to a small number of sheep holders, and was 'chiefly directed not so much against the Act as against the powers conferred upon the inspectors appointed to carry out the provisions of the bill'. Many supporters did take this position. William Burbury and Longford's William Gibson, for example, both supporters of a scab act, thought the proposed bill too stringent and considered it a violation of common justice. Burbury thought a fine should only be levied if an owner knew his sheep were scabby; Gibson thought an inspector should be compelled to give an owner several days notice of an impending visit, and he considered objectionable the requirement that infected sheep should be branded with a red S. The Committee, however, by a majority of 4:2, thought the Act could be 'stringent' without being 'oppressive'.¹⁰

Opponents queried the necessity or even the possibility of controlling scab. Alexander Reid thought Whyte exaggerated the cost of scab; some opposed the Act because they believed the disease generated itself spontaneously. James Pillinger thought fluke was a greater threat than scab, and that the roughness of much sheep land and the rigour of the climate would make it difficult for sheepowners practising transhumance to comply with the law. Reid objected to informers receiving half of any fine, complaining that informing would be more profitable than sheep raising. The owners of small flocks, usually tenant farmers who raised sheep for meat rather than wool, were frequently blamed for the incidence of scab. Joseph Archer, Longford MLC, claimed the 'class of people whose sheep are most scabby are the small farmers...' The sooner they 'were made to clean their sheep, or...get rid of them the better'.¹¹ James Mercer, of Macquarie River, thought dipping was necessary because 'a great number in the Western District {Deloraine and Westbury} keep small flocks, and these sheep are in a wretched state, and the land there not being sufficiently fenced, and these sheep going at large, infect a whole district'. On the other hand, opponents saw the bill as an attempt to eradicate small flock-owners, more so than scab. Central North auctioneer George Westbrook was opposed to branding

because buying and selling sheep was a common practice, especially among small owners. Branding would discourage small owners, many of whom were 'ignorant men', from buying sheep.¹² The Act did not ruin small farmers, but it can be seen as an attempt by pastoralists, many of whom supported Whyte, to police tenant farmers' sheep management practices.

The Bill's supporters emphasised its economic utility. They considered the measures would 'result in an increase of export of wool of a more valuable description'. R. Hepburn spoke for many sheepholders, including Longford's George Gibson, when he told the Committee that penalties were essential. He ridiculed objectors as 'men blind to their interests...who look upon every improvement as an invasion of their rights, and privileges...' Hepburn thought prosperity more important than the 'subtlety of law and rights...We will have fatter sheep for the butcher, more wool, more lambs, fewer losses, and require less labor...need I say more relating to the necessity and utility of such an Act'.¹³ An *Examiner* correspondent countered that if scab was to be subject to penalty because it reduced profit, then penal legislation 'to prevent persons from overstocking their lands with sheep', a major cause of scab, and to 'compel agriculturalists to adopt and pursue a better and more profitable system of farming' should also be introduced.¹⁴

When the bill became law, opponents shifted their attack to raising petitions. In 1870, 116 petitioners described the Act as 'inquisitorial, arbitrary, and oppressive in its whole character...' Among others, they objected to the provision that if one infected sheep was found in a flock, then all sheep in the flock were declared infected. The petitioners argued all that was needed was 'a short and simple measure'. Any sheep detected with scab at a public saleyard by an authorised inspector should be declared unsaleable and their owners compelled, under penalty, to return them from whence they came.¹⁵ Petitioners opposed to repeal claimed the Act should be repealed only in light of experience, which was not yet forthcoming, not consequent upon perceptions of the character of the measures.¹⁶

Whyte, a tall, imposing Scotsman, was appointed the first Chief Inspector of Sheep, a position he held until 1882. Whyte ignored the provision of the Act which required him, as Chief Inspector, to resign his seat in parliament. He remained an MLC until 1876, by which time he judged that scab had been greatly diminished and it was safe to resign.¹⁷ Whyte boasted the legislation was so beneficial in the first two years that even former



The scab man: James Whyte dedicated ten years of his life to eradicating the skin disease scab from the colony's sheep.

opponents had written to him with 'ample testimony' of the Act's benefits, especially given 'how considerable are the profits they have already received from the improved condition of their flocks, and how much more these profits may be increased by the complete eradication of Scab'. The initial Act was much less stringent than the bill, but its apparent success in reducing scab enabled Whyte, much to his gratification, to strengthen the Act in subsequent years. In 1880, Whyte claimed that scab had become extinct in Tasmania.¹⁸

In 1875 local opposition flared when 300 sheep belonging to William Orledge were seized and destroyed. Orledge was a tenant on Richard Dry's Quamby estate near Westbury. Orledge was described by Theodore Bartley, Evandale landowner, sometime MHA and vigorous opponent of the Scab Act, as 'an emaciated man of small stature in very feeble health', nothing like the "burly farmer" of the "John Bull" type' Whyte's description suggested. Orledge had seven children 'who are young and motherless, Orledge having lost his wife some time since'. His lease about to expire at Quamby, Orledge rented some nearby land at Dry's new country. He purchased 600 ewes on credit and depastured them there. Two hundred were stolen, no trace of which could be found by police. Wanting to make payment to his creditor, Orledge took 300 of the remainder to a sale at Carrick. The sheep were examined by the district inspector, who found 'a spot of scab "about the size of a crown piece"' on a fat lamb. Without intimating the scab to the shepherd, the inspector left the yard to contact Whyte. While the inspector was absent, a neighbour of Orledge's showed him the diseased lamb. Knowing his sheep and his run would be quarantined, Orledge 'most foolishly and improperly' removed the lamb. On returning and finding the lamb gone, the inspector seized the remaining sheep. The sheep were placed in the care of A.C.Clark of Carrick.¹⁹

Clark told Bartley not a speck of scab was found on the 276 ewes belonging to Orledge. The sheep were kept for fifteen days in an allotment containing enough food for only a few hours. 'There they remained', according to Clark, 'to show that the Chief Inspector can ruin any small sheep farmer if he thinks fit'. After the sheep were killed and skinned, their 'unsightly bodies' were 'thrown into a ghastly heap in the middle of the township...[from where]...some of the poor availed themselves of some hind-quarters'. The carcasses remained there 'for five or six days, as not a man could be found to cart any wood to burn them...'²⁰ In Bartley's view, Whyte's treatment of Orledge demonstrated the Chief Inspector's contempt

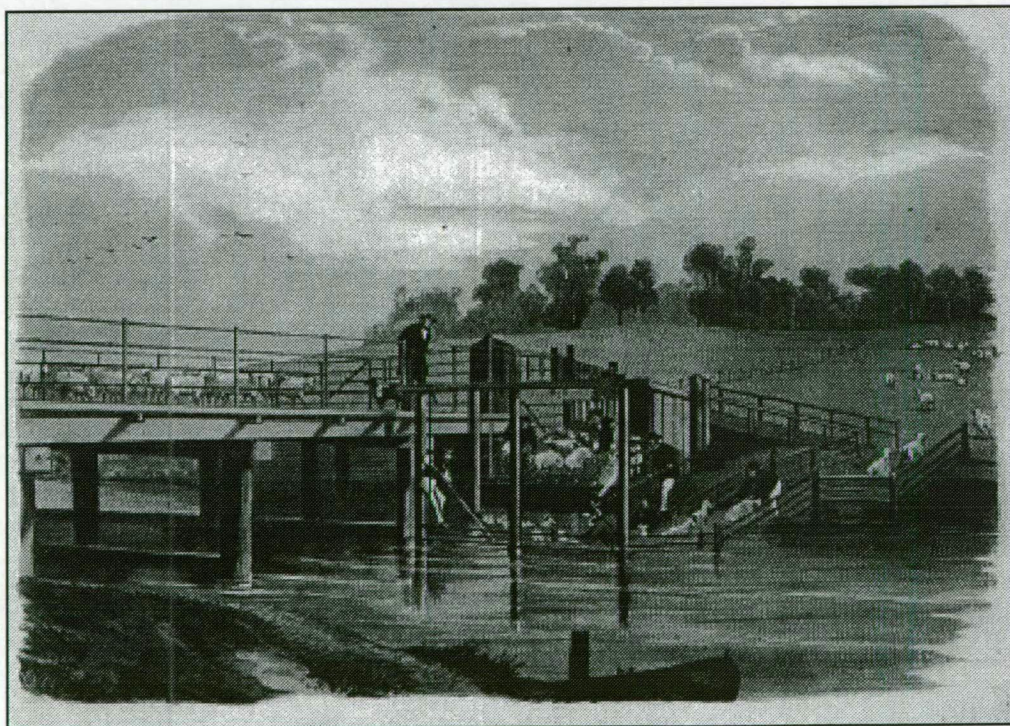
for the law. Bartley claimed Whyte 'seized, condemned, and destroyed Orledge's 300 valuable sheep'. The Act provided that all offences be heard by two justices and on conviction appeal could be made to the Court of Quarter Sessions. Bartley argued that in Orledge's case Whyte usurped the powers of magistrates and assumed those of 'prosecutor, judge, and executioner'. This was 'a summary punishment of the most distressing and revolting character...involving a loss of some two hundred and fifty pounds to a comparatively poor man'.²¹

Incensed by Orledge's treatment, Bartley embarked on a campaign of letter writing and petitioning aimed at repealing what he saw as obnoxious provisions of the Act. He also formed an Anti-Scab Act Association to agitate, with some success, for rationalisation of the Act and a series of subsequent amendments.²² He argued the Acts were 'obscure, involved, and contradictory in nature...common humanity' demanded the repeal of all existing Acts and their replacement with one Act, the provisions of which should be 'simple, clear, constitutional and humane, and at the same time, efficient to carry out the intention of the Act - the eradication of Scab'. In particular Bartley objected to requirements that an owner must give seven days notice to the inspector if he wished to dip his sheep, that he must obtain a licence to do so, and whether the sheep were infected or not, pay 3d per head. 'Can any procedure', Bartley asked, 'be more arbitrary, unjust or inexpedient?' These provisions merely impeded and harassed sheep owners who wished to keep their sheep clean. The aggrieved Bartley implored the young men of Tasmania to not 'apathetically stand aloof and allow so gross a violation of their constitutional rights as British subjects to be perpetrated with impunity'. Although an 'old man', Bartley declared he would 'resist them to the uttermost...'²³ Animosity no doubt intensified when an 1875 outbreak of scab in Westbury induced Whyte to declare the district unclean, meaning no sales could occur.²⁴

Whyte did not let criticism such as Bartley's pass unanswered. He complained that penalties imposed by local magistrates were 'merely nominal' and that they 'completely neutralised the efforts of Inspectors' to expose offenders. He justified the departures from common law by pointing to increased wool exports, better pastures, lower cost of production and wool growers' greater peace of mind.²⁵ Whyte also ridiculed the socio-political philosophies of those who opposed him:



The first mill at Perth, by Louisa Meredith.



Sheep washing at the Bridge, Panshanger, 1855 by Emily Bowring

There is, I believe, in all communities a class of men opposed to everything, no matter what, in the way of reform, if it takes a shape which runs counter to their own ideas – ideas which custom, and in some instances the habits of a lifetime, have so confirmed that they persist in adhering to them as tenaciously as if they were matters of faith, any defection from which would be treason to the idol they have set up as their object of worship; and look upon anyone who has the temerity to declare their faith a delusion, and their idol a sham, hitherto be a fool who prates of he knows not what, or a scheming knave, who must have ulterior interests to serve at their expense.

The Tasmanian sheep-owning body was not free of men 'of this ultra conservative class'. The idol they worship with 'intense devotion is the boasted liberty of an Englishman'. Fortunately for the Scab Act, in Whyte's view, these 'ultra conservators' of the 'good old fashions of their forefathers' were few in number. Only compulsion, which they described as tyranny, will induce such men 'to conform to a law they dislike.'²⁶

Whyte complained bitterly about attempts in parliament in the late 1870s, primarily by the members for South Launceston and Morven (Evandale), to reduce both his salary and the number of scab inspectors from four to three. He castigated their 'penny wisdom and pound foolishness', given that through his efforts 'the annual wealth of the Colony has been enhanced to the extent of more than a quarter of a million sterling'. He complained the parliament denied him and his staff even the 'smallest recognition' for years of 'faithful service', and he bemoaned the 'demoralising tendency' lack of tenure for inspectors had on his staff. He reckoned the Scab Act would never have been passed, and hence its benefits never realised, if his political acumen and determination had not been brought to bear on the parliament. The active obstructions, apathy and indifference had resulted in 11 years of 'unremitting labours'. In the previous parliament the member for Campbelltown had declared that he, Whyte, had sacrificed his 'political prospects' by dedicating himself to the eradication of scab. Whyte agreed with this assessment, claiming that a 'political career cannot be thrown aside for years and resumed again like a cast-off garment, excepting at disadvantages of an almost insuperable character'.²⁷

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The story of the 1883 Californian Thistle Act is similar to, although less dramatic than that of the Scab Act. Like the Scab Act, responsibility for administration of the Thistle Act was centralised under the Chief Inspector of Sheep, by then Malcolm Harrison. Local responses featured wideranging passive resistance. In Harrison's view, local magistrates and occupiers

collaborated in defiance of the law. He asserted that a lack of respect for the law was shown by some occupiers, and the unwillingness of local magistrates to impose heavy fines on offenders limited the effectiveness of the Act. Since there was no minimum penalty the Act was 'little heeded by those who almost habitually disregard it'. One occupier was convicted three times, on each occasion being fined less than 5/-; for the 46 convictions in the first year of the Act's operation, half the fines were either 5/- or 2/6d. A further problem was that some owners of affected properties claimed they were not the occupiers, hence seeking to avoid responsibility. Harrison argued that Assessment Rolls be taken as 'prima facie evidence of occupancy, and that it would then be for the defendant to show that he was not in occupation of the land'. As with scab, tenants were usually blamed for the spread of thistles. Harrison attributed the spread of thistles to carelessness or a lack of capital on the part of grain growers, most of whom were tenant farmers: 'it was allowed to grow with the crop year after year, the seed spreading far and wide'. Harrison's preferred solution was to forsake cropping for grazing, enabling stock to nip the buds. As had Whyte, Harrison complained the funding provided was inadequate for his office to effectively administer the Act. In addition to the regular work of inspecting sheep, Inspector Tabart made 601 inspections for thistles in his district between November 1883 and March 1884. Harrison requested a further 200 pounds 'for extra inspections during the summer months'.²⁸ In 1892 Tabart recommended that cutting prior to ploughing and seeding should be made compulsory, but he lamented that 'public interest' was insufficient to influence amendment of the Act.²⁹

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Moves to introduce a Rabbit Destruction Act also lacked the passion surrounding the gestation of the Scab Act. Rabbits of different varieties had been in Van Diemen's Land since at least the mid-1820s.³⁰ By the 1860s it was commonly agreed that rabbits were a considerable nuisance, but no one knew how to get rid of them. An 1869 Legislative Council motion to establish a commission into the rabbit nuisance was not supported. The Colonial Secretary doubted any practical remedy could be found and Mr Clerke opposed the motion on the ground that 'such frivolous [sic] propositions lowered the dignity of the House'. James Whyte agreed the nuisance was 'a great one', but he failed to see how the Council could remedy it and successfully suggested the motion be withdrawn.³¹ So the 1871 Rabbit Destruction Act, the first such Act passed in Australia,³² contained no penal

provisions and was administered by local boards. The Rabbit Act was amended several times during the period, the responsibility for administration being passed back and forth from central to local authorities. In 1886 the Chief Inspector claimed that the 1882 Act prevented the appointment of sufficient inspectors to enforce the Act, the result being that rabbit numbers continued to increase. In 1889 a bill to centralise the system was passed and came into effect on 1 January 1890, but its lack of penal powers was a source of much frustration for the Chief Inspector.³³ Public debate about the 1889 bill featured both defences and trenchant criticism of the local system. Farmers in Westbury were quite happy with John Burke, the Warden's brother, as inspector/secretary to the local rabbit board, as were Deloraine farmers with their inspector.³⁴ Longford MLC William Dodery argued the Cressy Board was effective and moved for a six month adjournment. The Member for Longford, Samuel Sutton, was opposed to centralisation because the local system was successful in his constituency.³⁵

In response to these defences of local boards, the Hobart *Mercury* claimed local management was a 'fad' and that members of the Assembly were, 'somewhat servile to local influences, but their duty is to look at the general good...'³⁶ In the *Mercury's* view, the Scab Act had shown that eradication measures should be 'undertaken by a central authority having both the inclination and the power to bring all its forces to bear on any particular place where it was required'. Those who objected to a centralised system were 'obstinate', 'stupid' and 'careless'.³⁷ A correspondent to the *Mercury* described the board system as 'a miserable failure', mainly because the government refused to make eradication compulsory. Many pastoralists indicated the board system was 'a farce' and that the good work of a few boards was 'rendered futile by the apathy of adjoining districts'.³⁸

The Chief Inspector of Sheep, Thomas Tabart, thought the board system a failure because people with local influence pressured local boards not to enforce the act and appoint inspectors who were servile to local interests. Where local police acted as inspectors they 'cannot be expected to prosecute the Warden and Councillors'. Antagonism was 'precisely similar' to that shown towards the Scab Act. The eradication measures of many landholders were 'a perfect sham'. Only penal clauses would induce 'negligent' owners to comply. Tabart complained that even when 'flagrant breaches of the law' resulted in formal proceedings, most cases were dismissed by local magistrates. When convictions resulted, the lowest

penalty was usually imposed and costs remitted. Tabart advocated the appointment of a stipendiary magistrate to hear all charges brought under acts administered by his department in order to prevent 'the serious liability of a miscarriage of justice through the potent influence of local interest'.³⁹ Sutton agreed something had to be done, but claimed that if people wanted to keep rabbits, they would do so. He remembered when the Scab Act was introduced people were saying 'they would shoot the inspectors like rotten crows if they came on their lands...' Sutton feared the feeling against being 'interfered with' was strong, irrespective of a central or local system.⁴⁰

Destruction methods used suggest that just over half those listed as actively destroying rabbits were in fact trapping or hunting with a view to providing food and/or making a living. Of 678 occupiers who sought to eliminate rabbits in 1885, 392 used hunting and shooting, 248 trapping, 124 digging, and 309 poisoning. More poisoning occurred in the south than in the north and Midlands combined. Most trapping thus occurred in the densely populated north and in the Midlands. In 1885, the rabbit destruction industry employed 1,725 men, 255 in the north, 668 in the Midlands, and 802 in the south. In the four years from 1883 to 1886 some 6.5 million skins worth around 55,000 pounds were exported. In the economically lean 1890s some 3.5 million skins were exported annually with a value ranging from 23,000 pounds in 1893 to 13,500 pounds in 1897.⁴¹

Despite its value to local economies, the rabbit industry met with considerable opposition. Trapping was strongly opposed, especially by Chief Inspector Tabart. Trapping, in his view, was open to many abuses. Tabart complained that some landholders engaged in rabbit farming, allowing rabbits to breed unmolested during the summer so that runs could be let to trappers in winter; trappers liberated young rabbits for future profit; tiger cats and wild domestic cats were being trapped to extinction; and rabbits moved into other areas to avoid traps. More importantly, trapping demoralised 'our rising labour'. It was a notorious fact that the 10-18 year olds who normally followed the occupation lived on the proceeds of a few months trapping and refused to take other work, preferring to remain idle.⁴² Tabart found the use of 'roving labour', paid by piece rates, 'most objectionable'. If trapping was to continue, at least permanent employment should be used.⁴³ The *Mercury* agreed that although trapping was a 'congenial' occupation, it caused 'considerable demoralisation amongst the youth of the colony'.⁴⁴ Tabart also urged the closure of the Rabbit Preserving Company, which had been

established in the late 1880s to export rabbit meat. Such establishments were 'injurious' to the country and to revenue.⁴⁵

The failure of the Rabbit Act prompted calls for the compulsory use of poisoned grain. Tabart had reported in 1885 that some large Midlands estates were using poisoned grain with 'gratifying' results.⁴⁶ The 1889 Rabbit Destruction Bill, moved by N.J. Brown, incorporated Tabart's major recommendations, a centralised inspection system and the compulsory and simultaneous use of poisoned grain, but the proposals met with considerable opposition from Central Northern members, especially Thomas Reibey. Reibey opposed poisoning because pigeons, kangaroo, hares and magpies were also killed, but he claimed too that several estates had been cleared without poison. The owners of Woolmers and other estates successfully used trapping to clear rabbits. If compulsory poisoning became law, Reibey would 'resist it as far as he could'. He would never permit, 'except under clearest compulsion', poison to be laid on his estate. The poisoning clause was amended to require occupiers 'to take effective measures for the destruction of rabbits'.⁴⁷ In 1890 Tabart again recommended that poisoning be made compulsory and simultaneous throughout the island⁴⁸ and again the opposition was strong. The *Daily Telegraph* saw poisoning as 'cruel, inhuman, indiscriminate, wanton destruction of the Creator's creatures'. The *Telegraph* cited the axiom that no law should be repugnant to another. Phosphorised grain killed not only rabbits but also opossum, pigeons, magpies and quail, all of which were protected species. The *Telegraph's* opposition also had a utilitarian edge. The destruction of birds was inevitability followed by a plague of insects.⁴⁹ Despite the opposition, the use of poisoned grain continued, especially on crown land. In 1893, for example, phosphorised grain was used through much of the Deloraine and Westbury districts.⁵⁰

Rabbit Act was centralised in 1889. Central control, however, did not last long. In the early 1890s the administration of the Rabbit Act was returned to local authorities. A renewed attempt at centralisation was made in 1897, but delegates from local Boards of Agriculture⁵¹ in Westbury, Cressy, Rosevale and Frankford, all in the Central North, petitioned against any change. The bill subsequently failed.⁵² The Chief Inspector of Sheep saw the impending centralisation of police management as the panacea: rabbits would then be killed in all seasons regardless of the value of skins or meat, 'and

prosecutions will be instituted without respect to the social status of the landholder who attempts to evade the Rabbit Act'.⁵³

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In 1893 the Tasmanian Council of Agriculture Pests' Committee canvassed local Boards of Agriculture and prominent land owners on the vexed question of eradicating pests and diseases. In its initial report, which reflected the views of those canvassed, the Council argued, despite the apparent success of the Scab Act, that the 'systems of inspection and punishment hitherto in force have failed to exterminate, failed to diminish, and failed to prevent the spread of pests'. Fining people was useless, for two reasons: the land occupier still had the problem and less money to tackle it, and it failed to induce co-operation: 'Punishment fails because it creates passive resistance...' The Council preferred the principle that 'prevention always works towards extermination'. It believed that cutting thistles prior to seeding would prevent its spread. Rabbit-proof fencing followed by killing was a better method for controlling rabbits than inspection and punishment. Compulsory poisoning was opposed by seven boards and 39 prominent landowners. Opinions were divided over proposals for government purchase of rabbit skins. Some respondents regarded the purchase of skins as an invitation not to eradicate rabbits but to maintain them. General agreement prevailed, however, that the central government should assist in the purchase of netting for rabbit proof fences, a view which reflected, at least locally, the perception that the central government should subsidise the agricultural and pastoral industry. The government did provide some funds, but in 1898 the premier, Edward Braddon, feared that if further credit was made widely available on easy terms, the debt would get out of control. The debt was already 3,000 pounds. To assist landholders, the government agreed to place fencing materials on the free list of the Customs Act from 1 January 1899.⁵⁴

Despite its belief that the inspection and punishment system had failed, the Council felt that appropriate authorities, after due warnings, should have the power to enter land and take proper steps at the owner's or occupier's expense. Reflecting the division of views about who should police the Act, the Council was non-committal on exactly who 'appropriate' authorities were. In any case, rather than inspection and punishment, the Council preferred a hierarchy of responsibility, involving the crown, the local authority and the owner or occupier. Where owners failed to demonstrate efforts to exterminate or prevent the spread of pests, the municipality should perform the necessary

work and recover the cost from the owner or occupier. Where the municipality failed to exterminate pests on streets, roads and reserves, any person owning or occupying adjoining land likely to be injured could sue the local authority, normally the municipality, for damages. On unoccupied crown land the municipality would prevent the spread of pests at the expense of the crown.⁵⁵ The Council's push to decriminalise the eradication of pests, however, went unheeded.

Tenants were often blamed for the incidence of noxious pests, especially the spread of thistles and the incidence of scab. Although large landowners were generally held responsible for the incidence of rabbits, the Council of Agriculture suggested in its initial report that if arbitrators judged 'that the necessity for a rabbit proof fence has arisen through neglect of a tenant, then they shall have the power to determine the lease in 12 months'. The Council also argued that tenants should bear part of the cost for preventing the re-establishment of previously cleared pests, even where security of tenure was very short. Where a tenant had five years occupancy guaranteed, he should bear the whole cost of preventing the re-establishment of any cleared pest; where the occupancy was four years, the owner would bear one fourth the cost and the tenant the remainder; where three years, one third, where two years, one half, and where one year, the total cost.⁵⁶

During the 1890s, the consolidation of existing measures under one act became the focus for reformers. Newspapers including the *Mercury* and Launceston's *Daily Telegraph*, as well as numerous politicians, applied concerted pressure for one centralised system. In 1889, the Attorney-general spoke for many others when he argued the eradication system was fragmented and inefficient. One of his constituents, he told the Assembly, was visited one day by a rabbit inspector, two hours later by a codlin moth inspector, soon after the scab inspector 'put in an appearance, and not long after he had a visit from the Californian thistle inspector. (laughter)'⁵⁷ The *Daily Telegraph* agreed there was 'an army of inspectors following each other through the country, each attending to his individual pest, which is a ridiculous waste of energy, money, and labor'. The system, the *Telegraph* argued, was 'cumbersome, expensive and inefficient'. Since each Act levied its own rate, ratepayers found the system 'irksome and harrassing'. The Rabbit Act, according to the *Telegraph*, was 'a farce', fruit districts under the Codlin Moth Act were 'absurdly large, and municipalities 'passively refuse' to carry out the compulsory provisions of the Education Act. Supervision

was needed to eradicate gorse, briars and brambles encroaching on roadsides and to deal with the sparrow nuisance. The voluntary approach was 'utterly useless' because of the variety of opinions and the 'inaction of many'. The system needed to be centralised and funded from general revenue. Inspectors needed to be 'free and untrammelled', which was not possible under a local system; indeed, as a matter of principle, 'in any case where the administration of justice is concerned', centralisation was best. Compliance should be compulsory because 'if a law was salutary' it should be made mandatory 'wherever necessity requires its existence'.⁵⁸ Alas, an 1892 bill aimed at consolidating the system failed, and in 1898 the Chief inspector was still calling for consolidation.

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Events and developments in local places are best understood in the context of relations with central places. This is especially so where attempts were made to achieve a workable balance of central-local powers. Measures to eradicate agricultural pests and diseases were marked by ongoing debate about the competing principles of central and local authority. This debate was attended by another about, on the one hand, the ideologies of property rights and individual liberty, and on the other, the common good. These were debates about the exercise of power involving both class and place. Over the period, the various measures to eradicate pests and diseases were resisted at the local level, but nevertheless a gradual shift occurred away from local authority. This power transference sought to accommodate the interests of property. Where tenant farmers stood accused of negligence, as with scab and thistles, central authority was readily invoked; but where landowners were the culprits, especially in their failure to control the spread of rabbits, local authority persisted. In the 1890s, increasingly assertive calls for centralisation and consolidation of eradication measures reflected the centralisation implicit in the wider move towards federation of the Australian colonies. More generally, the debate about eradication measures reflected a wider debate which has been central in Australian public life, at least since the 1870s: the competing claims of individual liberty and the common good.

Notes

¹ *Mercury*, 18 October 1889

² See ch4 for a discussion of the various pests and diseases

³ Control of public policing is discussed in chapter 10

⁴ Scab Select Committee, *HAJ* no96 1869

⁵ Scab Select Committee, Evidence, pp 25, 27

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- ⁶ Discussed below
- ⁷ Scab Select Committee, Evidence, pp 12, 7, 6, 8
- ⁸ *Examiner*, 25 September 1869
- ⁹ *Mercury*, 23 September, 1869
- ¹⁰ Scab Select Committee, Report
- ¹¹ Scab Select Committee, Evidence, pp 8, 11-12; Scab Act Bill: Petitions for repeal from sheepowners, *LCJ* no43 1870; *Mercury*, 8 September 1869
- ¹² Scab Select Committee, Evidence, pp 13, 27, 6, 19, 7
- ¹³ Scab Select Committee, Evidence, p19
- ¹⁴ *Examiner*, 25 September 1869
- ¹⁵ Scab Act Bill: Petitions, *LCJ* no43 1870
- ¹⁶ Petitions opposed to repeal of 1869 Scab Act, *LCJ* no49 1870
- ¹⁷ Entry on James Whyte, *ADB*, vol 6, 1851-90, pp 395-6
- ¹⁸ Chief Inspector of Sheep Reports, *LCJ* no27 1872, no39 1880; Robson, *History of Tasmania*, vol 2, pp 96-97, discusses the effectiveness of the Scab Act
- ¹⁹ *Examiner*, 14 July 1875
- ²⁰ *Examiner*, 14 July 1875
- ²¹ *Examiner*, 17 June 1875
- ²² Yvonne Phillips, *Bartley of Kerry Lodge*, Launceston: Yvonne Phillips, 1987, p101
- ²³ *Examiner*, 17 June 1875
- ²⁴ Agricultural Returns, *ST*, 1875
- ²⁵ Chief Inspector of Sheep Report, *LGJ* no39 1880
- ²⁶ Chief Inspector of Sheep Report, *LCJ* no27 1872
- ²⁷ Chief Inspector of Sheep Report, *LCJ* no43 1881
- ²⁸ Chief Inspector of Sheep Report, *LCJ* no124 1884
- ²⁹ Chief Inspector of Sheep Report, *LCJ* no39 1892
- ³⁰ Bolton, *Spoils & Spoilers*, p89; Robson, *History of Tasmania*, vol 2, p108
- ³¹ *Mercury*, 23 September 1869
- ³² Bolton, *Spoils & Spoilers*, p91
- ³³ Chief Inspector of Sheep Annual Reports, *LCJ* no38 1886; no67 1890; no88 1892
- ³⁴ *The Colonist*, 2 June & 23 June 1888
- ³⁵ *Mercury*, 1 November & 7 November 1889
- ³⁶ *Mercury*, 18 October 1889
- ³⁷ *Mercury*, 18 October & 1 November 1889
- ³⁸ *Mercury*, 22 October & 1 November 1889
- ³⁹ Chief Inspector of Sheep Reports, *LCJ* no88 1885; no67 1890; no88 1892; *HAI* no58 1898
- ⁴⁰ *Mercury*, 1 November 1889
- ⁴¹ Chief Inspector of Sheep Reports, *LCJ* no88 1885; no38 1886; *HAI* no 58 1898
- ⁴² Chief Inspector of Sheep Report, *LCJ* no88 1885
- ⁴³ Chief Inspector of Sheep Report, *LCJ* no38 1886
- ⁴⁴ *Mercury*, 1 November 1889
- ⁴⁵ Chief Inspector of Sheep Report, *LCJ* no67 1890
- ⁴⁶ Chief Inspector of Sheep Report, *LCJ* no88 1885
- ⁴⁷ *Mercury*, 22 October & 1 November 1889
- ⁴⁸ Chief Inspector of Sheep Report, *LCJ* no67 1890
- ⁴⁹ *Daily Telegraph*, 25 May 1892
- ⁵⁰ Chief Inspector of Sheep Report, *LCJ* no88 1892
- ⁵¹ Boards of Agriculture were established under the Council of Agriculture Act of 1892. See ch6.
- ⁵² *Daily Telegraph*, 25 & 27 May 1898
- ⁵³ Chief Inspector of Sheep Report, *HAI* no58 1898
- ⁵⁴ *Mercury*, 8 September 1898
- ⁵⁵ Council of Agriculture, Tasmania, Annual Report, *LCJ* no77 1893
- ⁵⁶ Council of Agriculture Report, *LCJ* no77 1893
- ⁵⁷ *Mercury*, 22 October 1889
- ⁵⁸ *Daily Telegraph*, 25 & 27 May 1892

Chapter 8

LIVING WITH NATURE

Aborigines, colonists & ecological resilience

handsome as single gum trees frequently are, and thick-foliaged and massive in their sombre hues, those which grow clustered in the forests are almost invariably ugly.¹

An ecological approach to history asserts the idea that nature is an historical actor; it challenges the western scientific view that nature is an aggregation of passive resources awaiting the exploiter, or 'dead matter acted on by external forces'. Ecological history, in effect, revives the view of ancient European culture, a view also held by most indigenous peoples, that nature 'was an actress on the stage of history'. In ecological thinking, nature as an active participant in human affairs 'acquiesces to human interventions through resilience and adaptation or "resists" human actions through mutation or evolution'. Prior to the Industrial Revolution, people used the goods and gifts of the earth within frameworks of subsistence and reciprocity; the word 'resource' referred to nature's ability to restore itself. But in the wake of the Industrial Revolution, resources became commodities to be traded on markets for money; nature was a field awaiting the plough, unquarried stone awaiting the miner, or living forest awaiting the axe. Unlike exchange and subsistence economies, extractive colonial economies removed commodities from the local habitat, inducing radical transformations in local ecologies.²

Nature in Tasmania's Central North changed in response to both Aboriginal and colonial land use practices. Aboriginal firing was practised in the Central North for at least three thousand years, and it would be untenable to suggest the practice had no ecological consequences. In particular, Aboriginal firing was an integral element in the production and maintenance of grassy ecosystems. Ecological transformation in the colonial period involved both observable changes in landscapes and the apparent fertility of the soil, often evident to colonial observers, as well as less evident alterations in the structure of ecological communities. Ecological research, which shows that colonial farming induced profound transformations in indigenous ecosystems in central and northern Tasmania, is itself in its infancy. Nevertheless, enough has been done to build on the images of past ecological change generated by colonial observers.

The historian must also rely on scientific research and opinion in seeking to understand how vegetation on the plains country evolved before the period of Aboriginal firing. In addition to human interventions, the particular composition of nature in local habitats changed in response to fluctuations in climate. While human interventions can bring about dramatic and readily observable change in the make-up of ecological communities, nature's responses to climatic change are usually imperceptible to the casual observer. This chapter is thus a recognition of the need for historians to adopt an interdisciplinary approach in order to understand how nature has responded in its relations with human societies and long-term climate change.

This chapter seeks to chart nature's responses to human interventions and long-term climate change in Tasmania's Central North. The chapter also summarises the ecological consequences of several land management and use practices outlined in earlier chapters. The final part of the chapter argues that some colonists used the Central North for a range of aesthetic and recreational purposes. While economic activity was the central means of inducing ecological transformations, and many of those transformations were extensive and degrading, a sole focus on economic uses would re-inforce the reductionist view³ that all colonists saw in nature nothing but resources to be exploited. Other uses reflected other perceptions, most of which in the colonial period were compatible with the perception that nature was there to be exploited; but other perceptions did exist, and one might tentatively argue that the environment movement of the late twentieth century has its local origins in those perceptions and the botanical excursions, picnics and bushwalking they inspired.

Transformations

The plains encountered by British colonists in the wake of invasion were central and even necessary participants in the history of both Aboriginal and colonial society. The plains were the places in which most economic activity occurred. Aborigines used them as hunting grounds, and colonists transformed them into agricultural and pastoral land. As tribal territory and colonial property, the plains constituted the major currency of power in both societies. Given their central significance in human society in the Central North, the evolution of these plains demands exploration. Recent scientific opinion based on field research in the Lake George district in the NSW Southern Highlands suggests that during the past one million years (Pleistocene) changes in climate have been the major

determinant in the construction and expansion of grasslands in south east Australia. As temperatures gradually rose, grasslands and sclerophyll forest (mostly *Casuarina Eucalyptus*) replaced rainforests. A decrease in charcoal deposits in the major periods of grasslands expansion suggests climate and not firing produced the grasslands. Grasslands dominated during glacial periods; and as they did at the time of the British invasion, grassy sclerophyll woodlands dominated during warmer inter-glacial periods. Grasslands' dominance pre-dates both people and sclerophyll vegetation. The influence of anthropogenic fire on grasslands creation is secondary and much more difficult to determine. Pollen evidence from Tasmania's Central Highlands seems to equate colder, drier periods with grassiness and wetter, warmer periods with an expansion of forests, thereby tending to confirm the evidence for Lake George.⁴ Pollen evidence from a small lagoon on the Gog Range, to the west of Deloraine township, confirms the conclusion discussed above: during the warmer post-glacial period around 7,000 years BP, cool temperate rainforest and wet sclerophyll predominated. Dry understories struggled to gain a hold until a decline of wetter forests from around 5,000 years BP, caused by the synergistic effect of the drying climate and the introduction of Aboriginal burning.⁵ What does seem clear, especially for the Central Highlands, is that Aboriginal firing maintained grasslands. In areas where Aboriginal firing ceased, nature responded with an increase in rainforest incidence.⁶

Two common views surrounding Aboriginal relations with nature have evolved in recent Australian writing. First, a popular view has emerged that prior to the British invasion Australian Aborigines lived in harmony with nature;⁷ and second, some writers have argued that the plains were created by Aboriginal firing.⁸ The available evidence, which is not conclusive but persuasive, suggests that neither assertion is tenable. Aborigines achieved a homeostatic or sustainable relationship with indigenous resources, they were skilled botanists, and their adaptations to nature were subtle and complex, none more so than the apparent siting of tribal territories on the island's major drainage basins. Over-exploitation of any particular area of land was avoided, and hunting activities allowed sufficient scope for game and pastures to recuperate.⁹ These achievements should not be romantically portrayed as living in harmony with nature. The ability to use resources sustainably and generate pastures for game depended on an effective use of fire. Aboriginal firing was extensive, was practised over thousands of years, and had significant transformative impacts on nature.

The evidence of the impact of Aboriginal firing is more extensive for the Holocene (10,000 years ago-present) than the Pleistocene. As conditions became warmer and wetter around 7,500 years BP, grasslands declined and forests expanded. Aboriginal firing probably began in the northern Tasmania some 4,500 years BP, when the climate became cooler and drier following a prolonged wet and humid period.¹⁰ David Hannan suggests Aboriginal burning probably eliminated the understory from sclerophyll eucalypt forests which appeared early in the Holocene;¹¹ and Kirkpatrick suggests Aboriginal firing in all probability arrested natural processes of ecological change, at least in areas where firing occurred.¹² Geoffrey Bolton suggests the Aboriginal use of fire favoured species which reproduce after exposure to fire, and perhaps even produced the characteristic. Long-term firing may also have robbed the soil of nitrogen,¹³ which in the Central North may have contributed to the rapid process of soil exhaustion which accompanied colonial grain cropping. More generally, Bolton suggests that over the bulk of the continent, Aboriginal firing may have accelerated ecological impoverishment, already underway and promoted by climate changes.¹⁴ The frequently denuded appearance of Tasmania's southern Midlands and parts of the east coast add some weight to this suggestion, although in the Central North this process is not so evident.

The uncertainty which attends attempts to understand ecological change during the long period of Aboriginal stewardship evaporates when we turn to the nineteenth century. During the colonial period, the cessation of Aboriginal management practices, colonial forest clearance and farming practices, and the biological invasion by exotic plants, animals and insects combined to induce a radical transformation¹⁵ of indigenous ecological communities in Tasmania's Central North. Ecological communities affected included grassy plains, open woodlands, forests, riparian and riverine habitats, and soils. In the period from the beginning of British occupation until 1985, native vegetation was reduced to 16.9% of the Midlands region. The Midlands includes Longford and Evandale, sometimes referred to the Northern Midlands. It is unlikely the full range of plant communities has survived in the Midlands, a process of attrition well under way in the nineteenth century and accelerated in the twentieth by continued forest clearing, ploughing and herbicide use. On the other hand, 440 of the 499 native species identified in the Midlands have avoided extinction. These survivors now inhabit plant communities which include naturalised exotic species.¹⁶

The process of depletion of indigenous grasslands and their invasion by exotic species began early in the nineteenth century. In the late 1830s James Fenton, the man who claimed to invent the practice of ring-barking trees,¹⁷ scattered Dutch clover seed along cattle tracks south of Dunorlan and along the banks of the Mersey River where William Field's wild cattle were in the habit of bedding. Fenton was delighted with the 'marvellous manner' in which the clover invaded riparian communities; within a few years, the clover was 'as thick as a door mat'.¹⁸ The invasion of exotic grasses was facilitated by the depletion of indigenous grasslands. By 1901, up to 30% of native pasture land in Longford, Westbury and Deloraine had been replaced with introduced pastures or other crops.¹⁹ A great deal more had been eaten out by sheep, which were commonly overgrazed, and by rabbits and cattle.²⁰ In the late twentieth century, cultivation and grazing have confined native grassland communities and species to very high altitude grassy ecosystems²¹ and in the Midlands 'to scattered refugia that have accidentally avoided destruction'. The location of these refuges include roadside remnants, cemeteries and ungrazed crown land including the Elizabeth River Gorge, the Cataract Gorge in Launceston, and the Cressy Research Farm. Many exotic species 'seem to have strict environmental preferences' although there are virtually no areas in the Midlands without some naturalised exotics. This ubiquity of exotic species 'probably reflects the dissected nature of the remnant vegetation and the ready transport of disseminules by a variety of herbivores and machinery'.²²

When British colonists began penetrating westwards from Launceston, they found much of the country replete with trees, some of it open woodlands and some thick forest. The traveller on the main thoroughfare between Hadsden and Deloraine in the late 1820s encountered several sizeable forests. Between Hagley and Carrick was Reibey's Forest; Ashburner's Forest stood between Carrick and the Quamby Estate; and between Hagley and Westbury was 'a dense forest of splendid timber'. Much of the Alveston Estate at Deloraine was covered with timber, parts of it heavily.²³ Beyond the Avenue Plain, to the west of Deloraine, Land Commissioner John Helder Wedge in 1828 encountered 'a forest of the finest Stringy Bark Trees we have seen in the Colony'; due to its 'gloomy appearance, heightened considerably by apprehensions of the Natives', Wedge called this forest Pluto's Forest.²⁴ Sixteen years later Louisa Meredith encountered the same gigantic gum trees; as single trees Louisa thought them handsome enough but as forest, dark, forbidding and ugly.²⁵ Much of this

forested land was cleared by the 1850s, especially along the central thoroughfare between Launceston and Deloraine. Exton landowner Samuel Martin noted in 1847 that the 'land applied to cultivation has, in almost every case, to be reclaimed from heavily timbered forests, at great cost'.²⁶ In 1855, on a coach journey from Launceston to Deloraine, visiting botanist W.H. Harvey, on his way to visit William Archer at Cheshunt, noted that here

and there the forest was dense but had in most places been thinned and in many completely cleared. In places the larger trees, having been killed by destroying their bark, were left standing like skeletons while good crops of wheat and oats were growing on the ground under them.²⁷

Much forest clearance between Westbury and Carrick, according to Harvey, was performed by tenant farmers holding clearing leases.²⁸ The forest not cleared for farming was stripped for the value of the timber. In the second half of the century, forest clearance was accelerated by the Waste Lands Acts. These Acts were exploited by speculators interested only in timber; much land acquired under the Waste Lands Acts was cleared of its timber and promptly abandoned, although some was selected by small farmers who replaced trees with potatoes.²⁹ Towards century's end some awareness had emerged that extensive forest clearance might have damaging environmental effects. In the late 1880s the rate of forest clearance prompted *The Colonist* to warn Tasmanians of 'the terrible consequences that follow the wholesale destruction of timber on mountain slopes and summits'. Extensive clearance had reduced much of Europe to a wilderness of rocks 'denuded of its very soil'. The capacity of forests to absorb rainfall was a barrier against flood, and were the first stage in a linked chain, including rivers and springs, of natural irrigation. Forests were also a fertile source of timber and game.³⁰ Government action late in the colonial period sought to slow down forest clearance. A Conservator of Forests was appointed in 1885 and timber royalties, although ridiculously small, were introduced.³¹ The Forests Licensing system of 1895 sought to limit the logging of forest land by speculators interested only in selling the timber.³²

The survival of forests was always threatened by bushfires. In January 1855, William Archer and his visitor W.H. Harvey embarked on an expedition to climb to the top of Cummings Head, a rocky outcrop which broods some 3,500 feet over Cheshunt estate. The two men's interest in the bush was botanical rather than ecological. Harvey and Archer wanted to know and name the bush as scientific specimens, less so to understand it as integrated ecological

communities. The trek through the bush was tough. The botanists were 'sometimes erect, sometimes sideways, sometimes on all fours, sometimes creeping under prostrate logs or climbing over them or walking along them'. They saw huge gum trees 'going 100 feet to the first branch but the majority were small'. The difficulty in walking prompted the men to 'set fire to some rubbish with the view of making a clearance'. Later that day, on their return down the slope, they found the fire

had spread on all sides and was still spreading widely having burned some hundred acres of bush...every now and then we heard the crash of a trunk falling, sounding like a Summer Avalanche in Switzerland, while the crackling of flames along the moving fire was at a little distance like the noise of waves on the shore.

The following day

there were so many bushfires all round us that their smoke obscured the air & completely hid the mountains from our view as much so as a dense London fog would have done, this was the case several days.³³

The removal of grassy woodlands has occurred over time and in different ways. The woodlands were both aesthetically attractive, reminding many colonists of 'home', and they were economically desirable, being capable of instant conversion to various forms of farming. Extensive clearing of grassy woodlands occurred rapidly in Longford. One observer in 1824 noted large areas with 30 to 40 stumps per acre, 3-4 feet in height. Much of the 30,000 acres under cultivation in Longford by mid-century had been grassy woodlands. The present-day absence of trees in Evandale is probably the result of a slow decline during 180 years of pastoralism rather than extensive clearing. Elsewhere, grassy woodlands on poor soils, referred to by William Archer as 'bad lands', have now been converted to pastures through the use of machinery and fertilisers.³⁴ The 'lightly timbered river flats' on the Meander Plain, to the north of Cheshunt, were still intact during the 1890s. The grazing estate Stockers was

a most picturesque spot, comprising in all some four or five thousand acres of lightly timbered river flats and terraces of rich basalt soil...[surrounded by]...low wooded hills, which above these again tower, in all their rugged grandeur, the Western Tiers, Quamby's Bluff, and Cumming's head.³⁵

Alas, the picturesque scene which so captivated Daniel Griffen in the early 1890s is no more. The Meander Plain is now almost entirely bereft of trees. When John Helder Wedge traversed the country west of the Meander River in the late 1820s, most of the good wet land under the Western Tiers between the Meander and

Mersey Rivers was 'for the most part thinly covered with trees';³⁶ late in the twentieth century, most of the region's grassy woodlands, including those Wedge observed, are either gone or dying. Longford and Evandale districts are more or less treeless, save for isolated woodlands' remnants. In Westbury and Deloraine, where much of the country is hilly and marked by rocky outcrops, dry sclerophyl forests have been the most resilient of the Central North plant communities, surviving Aboriginal firing practices and European farming. Many areas across south eastern Australia, including the western half of Tasmania's Central North, were reclaimed by dry sclerophyl species when Aboriginal firing ceased, or when cleared land was abandoned by timber speculators.³⁷ Forests in Deloraine and Westbury were not more extensively cleared than they were because the soils on which they grew were either insufficiently infertile, too steep or too rocky for agricultural or pastoral use. In recent decades, despite the persistence of local environmentalists, the woodchip industry has done its best to do what farmers and pyromaniacs did not. Although much forest remains, both wet and dry sclerophyl have experienced significant species reduction.³⁸

The ambivalence which characterised colonial attitudes to nature is evident in contrasting observations of the region's riparian habitats, those soft, moist places which inhabit narrow strips adjacent to rivers and streams. Near Westbury, political exile John Mitchel 'came into a narrow gorge, very rocky and entangled with almost impassable "scrub". Down the gorge flowed, or rather oozed, through the slimy soil and prostrate decayed trees, a kind of creek'.³⁹ The botanist Harvey was most impressed with the Meander River's riparian communities, Celery top pine and native beech were 'both remarkable', especially the beech with its 'very small dark glossy leaves and a rough trunk very unlike our beech in appearance'. Honey-suckle, wattle and waratah, as well as a small type of Australian cherry with the stone on the outside were also in evidence, as was 'a beautiful wiry branching fern...very unlike any fern you know'.⁴⁰ If Harvey was impressed by the appearance of individual species, Daniel Griffen was more taken by the picturesque scenery the district offered. The Meander Plains locality was

a truly lovely spot, the many beauties of which are materially enhanced by the fact that the rich dark green foliage on the banks of the Meander where it winds its serpentine course through the estate has been preserved from the axe and fire, and is as beautiful today as it was 65 years ago.⁴¹

Riparian communities in the Central North have now been decimated, surviving only in peripheral places such as narrow sections of rivers and streams that livestock and farmers have found inaccessible and of little use. Cadman maintains that only two small sections of indigenous plant communities remain on the course of the Meander River, one above Meander, the other just south of Deloraine. In both cases the river is extremely narrow, suggesting that difficulty of access has helped these communities survive. The Meander River is also now bereft of flood plains, depriving the river of one important means of cleansing itself of the toxins emptied into it by careless farmers.⁴²

The interruptions to river flows caused by fording and the use of rivers and streams by livestock have contributed to the transformation of plant communities in riverine habitats. In some cases, the diversion of streams by blasting obliterated local ecological communities. In 1860, for example, William Archer widened the Western Creek for irrigation purposes by blasting away 300 solid yards of rock.⁴³ Many aquatic plant communities now have complements of native plants as well as exotic taxa; this invasion began during the nineteenth century. Displacement of indigenous species in riverine habitats has been more extensive than in other ecological communities. Of 499 native plant species recorded in the Midlands, 59 (11.8%) are now extinct. Apart from native orchids, many of the 59 extinct species were associated with riverine habitats. During the period of European occupation, however, the spread of algae which has affected waterways in intensively cultivated areas in other parts of the world is not evident in the Tasmanian Midlands.⁴⁴ In the rivers, then, despite major transformation, nature has waged a substantial resistance to biological invasion.

In the mid-1870s Donald Cameron's irrigation practices, using water from the Nile River near Evandale, had significant impacts not only on the flow of the Nile but also on at least two local creeks on John Whitehead's neighbouring property, Winburn. Whitehead complained to Cameron about an 'impediment' across the main channel of the Nile River, the greater part of the water being 'diverted from its natural course as I suppose to increase your supply' for irrigation purposes. On at least two occasions Whitehead asked Cameron that his use of water from the Nile be 'strictly to the legal power...in the deed given by the late James Cox to yourself'. Much to Whitehead's displeasure, Cameron channelled surplus irrigation water into the New Plains Creek, normally dry in the summer. The creek, which flowed through Winburn, 'normally carries off much storm water during the winter and early spring months but up to the time you

took the water out of the Nile was always dry in the summer'. Whitehead objected, probably because of the threat of fluke in the summer. In addition, Cameron diverted another creek into a drain, and excess surface water was finding its way onto Winburn at up to six points.⁴⁵ Repeated in even moderate incidence across the region, irrigation thus had a significant impact on natural water courses and their associated ecologies.

Land drainage in marsh and swamp habitats had a major impact on indigenous plant communities and species. Water, of course, is crucial to the maintenance of ecological communities, including flora and fauna, which occupy wet lands; its reduction or removal means certain change in the incidence and diversity of local ecological communities. The Land Commissioners Journals of 1826-28 are replete with references to 'marsh lands' or flood plains which have now been drained, or have experienced drainage attempts. Longford properties adjacent to the South Esk River were 'a sheet of Water...in the Winter'. A 'fine plain' called the Retreat, just east of Deloraine, was 'exceedingly wet in the winter and totally unfit for Sheep'. The Western Marshes, to the southwest of Deloraine township, were wet places; the Land Commissioners noted that the Marshes 'abound in Creeks which issue from the great western Tier in all directions, which render it a perfect Sea in Winter'.⁴⁶ Since British occupation, 34% of wetlands in the Midlands have been drained and a further 23% affected by artificial changes of water level. Most wetlands have suffered from drainage attempts, and the infrequently inundated margins of the remaining wetlands 'are susceptible to exotic invasion following disturbance by introduced grazing animals'.⁴⁷

Soil type and quality varies widely across the Central North.⁴⁸ The better soils, especially red soils in Deloraine and black soils in the Hagley and Westbury localities, have long been subjected to agricultural practice. These soils were capable of impressive productivity, but they were also degraded over time. Many colonial observers were aware of the degrading effects cropping practice had on soils, exhausting them of fertility and reducing their productive usefulness. Farmers were encouraged to manure their fields and rotate their crops, but many ignored that advice.⁴⁹ The impact of farming on soils in Tasmania's Central North, however, has not been as severe as in the Central Midlands. Across much of the Midlands the furrow plough and the regular thud of the horse's hoof combined to produce a plough pan, an impervious layer some four to six inches below the surface of the soil. An ecosystem which inhabited dry season cracks in



Sheep grazing in what appears to be old growth grassy woodlands, near Launceston, 1901



Bridge over the Liffey River near Westwood. The section grassy woodlands in the background is a probably survivor from pre-invasion times.

clay-based Midlands soils is now greatly reduced. Erosion of topsoil has also been a problem, produced by ploughing and overgrazing in dry seasons.⁵⁰

In the fullness of the 1995 spring, parts of the central and southern Midlands observable from the Midlands Highway presented a stark picture of extreme environmental degradation. Landscapes were characterised by thin pastures, exposed soil and haunting visages of lifeless trees. Isolated localities in the Central North, especially in Evandale, are also stalked by dying trees and insipid grasslands. The late John Whitehead's Winburn is well grassed but its sparse collection of gum trees is dying a slow death.⁵¹ The prospect of desert hangs heavily over these denuded landscapes. In some Central North localities where soils are fertile and rainfall generally reliable, the contrast with the devastation of the southern Midlands is graphic. The intense green of spring pastures and summer's burgeoning crops suggest that soils in the Central North are still capable of impressive productivity. The repeated use of chemical fertilisers and weed suppressants, however, tends to obscure the long-term damage. Recent scientific research suggests Australia's most fertile soils are showing signs of degradation because they no longer receive nutrients from the forests which once grew on them. Red soils especially, long considered by farmers to be resilient and low maintenance, have begun to decline in fertility. Salinity, waterlogging and loss of structure, all exacerbated by irrigation, affect the capacity of the soil to hold nitrogen and release phosphorous, which facilitates the availability of nutrients to plants. The only way to rejuvenate degraded red soils is to plant pasture for 3-4 years, then plough back legume crops. Forest clearance and overcropping have thus rendered even our most fertile soils susceptible to widespread degradation.⁵²

The impact of colonial farmers, hunters and legislators on indigenous fauna, especially land mammals such as wallaby and possum, has been extensive.⁵³ Indigenous wildlife has been classified by farmers as pests and by hunters as game. Gentleman hunters killed for sport, the less fortunate for food, and landless trappers hunted for skins in order to make a living. Virtually anything was hunted. John Whitehead and his workers hunted kangaroo, pigeons, wattle birds, snipe, and quail.⁵⁴ Not surprisingly, large numbers of indigenous fauna were killed, not only in the Central North but across the island. Legislators have seen fauna as both game and something unique and worth preserving, either for hunting or its inherent value. In response to the extensive killing, colonial governments legislated to limit the depletion of certain native species, including

wallaby, possum, quail, pigeons and magpies.⁵⁵ These efforts reflected the often competing claims of the interested parties. Given the ubiquity and novelty value attached to wallaby, or kangaroo as they were commonly known, the species was often in the minds of farmers, hunters and legislators. Kangaroo hunting was restricted in 1846, but essentially as a measure to limit sheep stealing by convict and ex-convict kangaroo hunters.⁵⁶ The *Launceston Cornwall Chronicle's* response to an 1874 Bill proposing kangaroo protection well illustrates the argument that social law was used to protect the interests of the privileged. The *Chronicle* argued that farmers living on marginal lands on the outskirts of settled districts regarded kangaroo as vermin, in much the same light as rabbits. The paper was outraged the Bill proposed that a farmer shooting a kangaroo to protect his crop should be fined 40/-, while hunting kangaroo with a pack of hounds for recreational purposes was allowed. The measure was 'abominable' and 'un-English'. Hard-working farmers and ordinary hunters were criminalised while 'wealthy sportsmen in the pursuit of pleasure' were granted impunity. This was class legislation: one law for the poor and another for the rich.⁵⁷ Game laws remained a regular item on the parliamentary menu for the remainder of the century.

Despite the extensive killing, anyone who has recently lived in the bush in the Central North knows that native wildlife, especially possum and wallaby, is not in short supply. The survival is due in part to the species' adaptation to the local environment and in part to legislative measures taken to protect them. By 1910, the emphasis on preserving native fauna as game was challenged by the view that preservation should occur for the inherent value of the species. The 1910 Game Protection Bill included a proposal to establish 'a reserve or sanctuary' where possum and wallaby 'will be able to breed unmolested'. Some believed that like the Aborigines before them, native fauna 'must make room for those which are of greater use to mankind', but others disputed the notion that farmers' interests should prevail. Thomas Reibey's earlier objection that the use of poison to eliminate rabbits would endanger protected species⁵⁸ was echoed by a Member who was outraged that in one instance 13 kangaroos had been killed by rabbit poison. The *Examiner* had some sympathy with those 'who hold a brief for native animals' and supported the idea of a breeding sanctuary, and it opposed 'indiscriminate slaughter' by hunters for skins, but the paper believed that farmers killing fauna in order to protect their property should not be penalised. The paper was worried that curtailing the power of farmers to cull native pests would revive

'the conditions which at one time obtained in the old country, where wild animals were regarded as of more account than human beings'. Revealing a failure to appreciate that restricted culling would not necessarily make native species extinct, the *Examiner* considered that legislation to protect native fauna and the issue of licenses to kill it was an indefensible anomaly.⁵⁹

Nature, beauty & place

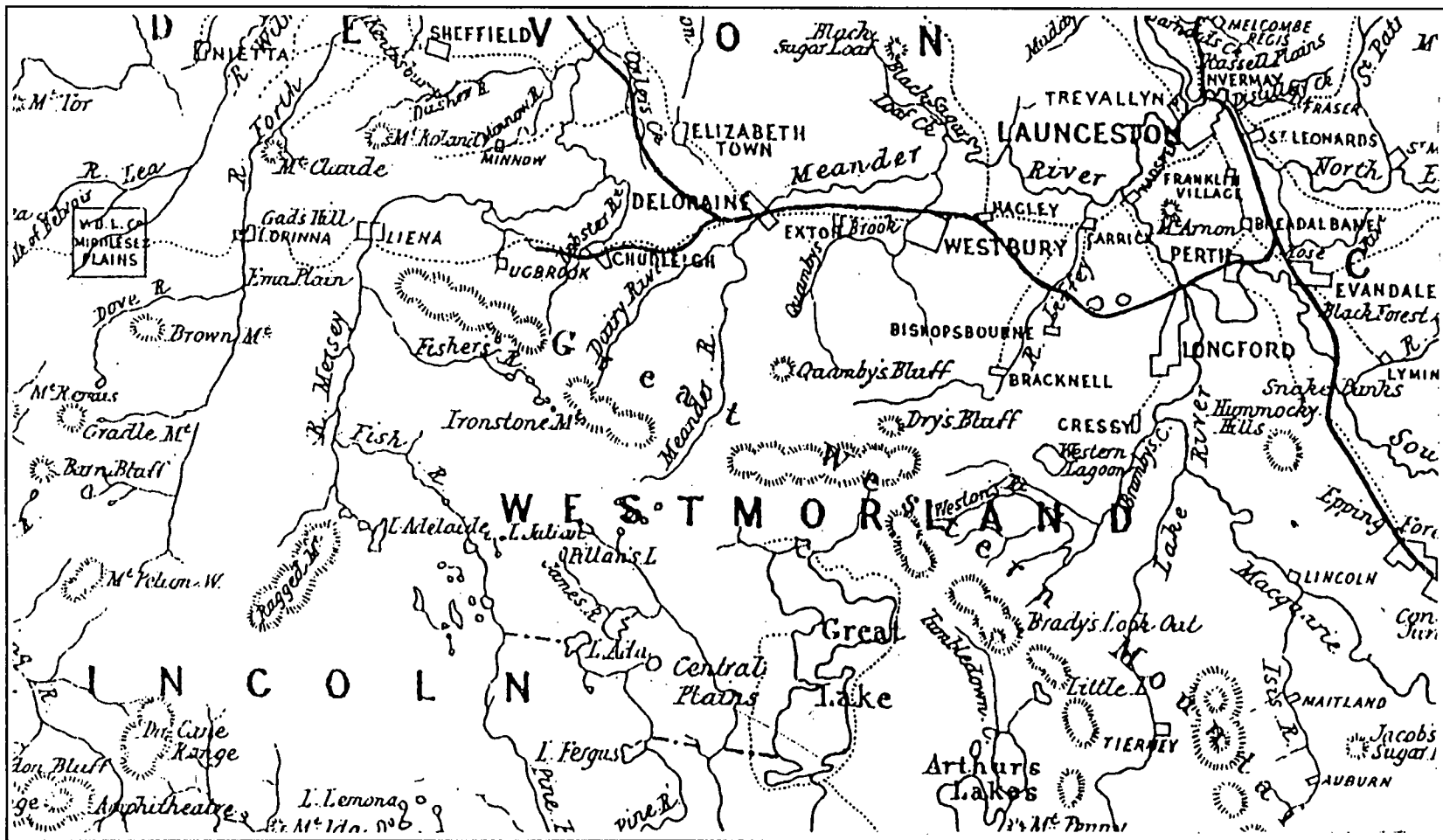
For many land-owning colonists, nature was both a store of resources and an object of visual beauty. While the duty to transform the land into productivity was ever-present, time could always be found to gaze at a picturesque scene, especially if one was reminded of home.⁶⁰ During the colonial period, aesthetic perceptions of nature in Tasmania underwent change as colonists and later native-born Tasmanians engaged in the long process of seeking emotional attachment to the Central North as a place of belonging, as home. Nature offered a wide range of aesthetic possibilities. The Western Tiers offered highway travellers picturesque scenery,⁶¹ but for the more adventurous greater delights could be had. In April 1851, Peter Fogg, from Christ College, Bishopsbourne, walked with others from the base of Dry's Bluff to the top of Meander Falls, a walk that took four days. Fogg described early morning at the Great Lake after 36 hours of rain as 'a glorious panorama...The Sun rising over the opposite hills was just rolling an immense mop of misty, rainy and snowy clouds across the face of the lake, tinging the fleeing foe with a dazzling gold, shaded and softened into rich purple, where it reached the snowladen portion of the huge mass'.⁶² Creeks and waterfalls provided opportunity for more focussed aesthetic contemplation; Lousia Meredith described the Liffey River at Carrick as 'foaming and chafing down towards us, over-shadowed in many places by graceful bending trees, and an infinite number of lovely flowering shrubs'.⁶³ The subterranean wonders of the Chudleigh Caves provided an important tourist destination⁶⁴ and yielded useful ornamental objects: a 'monster stalactite' from the Chudleigh Caves called 'the cauliflower' occupied a corner in the reading room of the Deloraine Library in the late 1880s.⁶⁵ The distant forest which was for some a place of trepidation⁶⁶ was for others a place for wonder and contemplation.⁶⁷ It is important to examine these views, if only briefly, for at least two reasons: the tension between developmentalists and conservationists which has been so prevalent in recent decades in Tasmania had its origins in the colonial

period; and those views give a wider impression of the complexity of human attitudes to place and nature than does the reductionist view that colonists saw little in nature but a resource awaiting exploitation. The material for such a study is extensive; my method here is to focus on one piece of writing describing a bushwalkers' trip which I examine as an illustration of the development of a Tasmanian aesthetic sensibility.⁶⁸

Late in the summer of 1887-88, a writer called Peregrinator⁶⁹ and three companions undertook a bushwalking trip to Cradle Mountain. The travellers journeyed from Launceston to Deloraine by train, by stage-coach from Deloraine to Chudleigh, and on foot from Chudleigh to Cradle Mountain (see Map 9). At the very beginning of his piece, the writer tells us all four travellers were native-born Tasmanians 'actuated by a love for the calm beauty and majestic solitude of the unfrequented bush'; they undertook their trip because they were 'desirous to exchange the heated and dusty air of town offices for that cooled by the evaporation and shade of the forest'. Peregrinator's record of their journey, which passed through the Central North from one end of the region to the other and incorporates detailed impressions of the country along the way, portrays the Central North as a place of bounties: material, aesthetic, botanical and spiritual bounties.

The Great Western Tiers, visible from the train and later at closer range from the Chudleigh stage-coach, 'still bore their changeless grandeur and the ever variable beauty as when I last gazed upon their steadfast mass...the whole range, indeed, appeared very lovely in the clear atmosphere and bright sun of the afternoon'. The plains bore crops of hay and grain ready for harvest 'but everywhere was apparent the dry parched look caused by insufficient rainfall'. This parched appearance reminded Peregrinator of the 'abundant streams' and 'ample reservoir' on the summit of the Western Tiers, and of the 'facilities that existed for making the whole plain a veritable garden of Eden — as verdant as Erin itself'. In place of the 'parched and scantily grassed paddocks' visible from the train, the country beyond Deloraine presented 'dark green fields with scarcely a tinge of the harvest gold in their luxuriant expanse...and green hills with plentiful herbage'. Higher rainfall, 'living timber on the hills', and a greater incidence of springs and running streams accounted for the difference.⁷⁰ The travellers saw a 'splendid herd' of milch cows, a pleasant dairy farm which was once a marsh, and numerous cleared selections. South of Gad's Hill, a Van Diemen's Land Company track took the travellers through 'some nice stringy bark and find [sic]

Map 9: A mapped version of the Central North in 1895. Peregrinator's journey can be followed on the map.



straight-barrelled wattles, interspersed with grassy flats'. The Chudleigh plain was mostly surrounded by large hills — the mountains to the south, to the north the Gog, 'a range of rugged blue-stone hills...and westward before us, Roland towering in purple magnificence'.

After ascending Gad's Hill, the bush-walkers were 'much struck with the beauty of a myrtle forest through which our way led us'. Black jays were plentiful; they shot several for their tea, and the next day caught 'a nice dish of native trout'. At Brown Mountain, beyond the Forth River, the travellers took specimens of 'a pretty cypress-looking plant, which grew but a few inches high'. They passed a large black snake exhibiting its tongue on a log. 'His honour...was...treated with due respect and a statute of two guns fulfilled our obligation; his head parted company with his tail, and we passed on in silence'. The party encountered 'that smelling abomination' called stinkweed, felt the 'awe-inspiring oppressive gloom of the forest' on a nocturnal search for water, and were mercilessly assaulted by sandflies and mosquitoes near the Mersey River. Nearing their destination, the travellers had a 'splendid view' of the gorge in which the Dove flows. And then

before us rose the imposing mass of the mountain; to our right was another stupendous gorge; and high above it and us a splendid eagle sailed in calm serenity, above all the ups and downs of terrestrial life and toil.

At Dove Lake, as evening approached, the travellers were moved to reflect on the links between God, nature and their own place in the world. This reflection, which pre-figures late twentieth century notions of wilderness,⁷¹ suggests a capacity to transcend an infatuation with the picturesque, to apprehend a sense of nature's spirituality, to recognise its strength, chastity and purity, to feel simultaneously a sense of deep exhilaration and terrifying loneliness 'before the magnificence of the manifestation of the Creator', to feel a sense of disconnection from 'the thralls of orthodoxy and custom' as if in 'a backwater in the stream of time'. Peregrinator later reflected

A sense of human smallness and weakness came over us as we sat silent in a lonely land; all was so strong, so chaste and so pure that we felt ourselves in the presence of One greater than we. Such feelings of awe and nothingness are never realised so much as when surrounded by the handiwork of nature.

With these thoughts in mind, the travellers fell into sleep. On their return journey, the party shot 'three bunnies that forthwith we stewed with rice, and pepper tree was added to impart a flavor'.

*

For the past 3,500-4,000 years, and probably for 10,000 years, human societies have interacted with nature in a range of ways in Tasmania's Central North. As hunter-gatherers, Aborigines availed themselves of nature's bounty in ways determined by the ancestral beings; in the process, fire had significant transformative effects on some landscapes and ecologies, mainly grassy woodlands and plains. One suspects, however, that the condition in which the British colonists found nature had more to do with climate than human actions. As Geoffrey Bolton has indicated, Aborigines were skilled botanists pursuing complex and subtle relations with the natural world.⁷² In the colonial period what Caroline Merchant has called an ecological revolution occurred. Croppers, graziers and loggers, possessed of a secular consciousness which perceived of nature as resources awaiting exploitation, generated profound ecological and landscape degradation. Later in the colonial period city-dwelling bushwalkers experienced solace and a humbling sense of human perspective in the midst of what remained of the imposing grandeur of wild nature. This ambivalent relationship with nature in the Central North has changed little in the 110 years since Peregrinator worshipped at Cradle Mountain.

Notes

¹ Meredith, *My Home in Tasmania*, p161

² Merchant, *Ecological Revolutions*, pp 6-7

³ See Nicholas Thomas, *Colonialism's Culture*, pp 13-14, for a discussion of the need to represent the complexity of colonialism.

⁴ Jamie Kirkpatrick, Louise Gilfedder & Rod Fensham, *City Parks and Cemeteries*, Hobart: Tasmanian Conservation Trust, 1988 pp 5-12

⁵ Sagona, *Bruising the Red Earth*, pp 43, 45

⁶ Kirkpatrick et al, *City Parks and Cemeteries*, pp 5-12

⁷ Thomas, *Colonialism's Culture*, pp 28-31; see also David Suzuki's foreword to William J Lines, *Taming the Great South Land: A History of the Conquest of Nature in Australia*, Sydney: Allen & Unwin, 1991

⁸ In Kirkpatrick et al, *City Parks and Cemeteries*, pp 7-8

⁹ Bolton, *Spoils & Spoilers*, pp 4, 6, 9; Vanderwal, 'Louisa Bay', p19; Sagona, *Bruising the Red Earth*, p128

¹⁰ Lourandos, '10,000 years in the Tasmanian Highlands', pp 43-4; Sagona, *Bruising the Red Earth*, p45

¹¹ David Hannan, Dept of Physical Sciences, University of Tasmania. Launceston, pers comm, 23 October 1996

¹² Jamie Kirkpatrick, *A Continent Transformed; human impact on the natural vegetation of Australia*, Melbourne: Oxford University Press/Meridian, 1994, p30; Kirkpatrick et al. *City Parks and Cemeteries*, p12

¹³ Bolton, *Spoils & Spoilers*, pp 7-8

- ¹⁴ Bolton, *Spoils & Spoilers*, p9
- ¹⁵ Carolyn Merchant, 'Ecological Revolutions', in Merchant, *Major Problems*, pp22-3, and R.J. Fensham & J.B. Kirkpatrick, 'The conservation of original vegetation remnants in the Midlands, Tasmania', *Papers and Proceedings*, Royal Society of Tasmania, Hobart, Vol 123, 1989, p229, characterise the ecological impact of colonial farming in these or similar terms.
- ¹⁶ Fensham & Kirkpatrick, '...original vegetation remnants...', p232
- ¹⁷ Entry on James Fenton, *ADB*, vol 4, 1851-90, pp 162-3
- ¹⁸ *Daily Telegraph*, 18 November 1893
- ¹⁹ *Agricultural Returns*, ST, 1901
- ²⁰ Kirkpatrick et al, *City Parks and Cemeteries*, p13-14; Petition opposed to Scab in Sheep Bill, in *Examiner*, 25 September 1869; Bolton, *Spoils & Spoilers*, pp 57, 85
- ²¹ Kirkpatrick et al, *City Parks and Cemeteries*, pp 20-21
- ²² Fensham & Kirkpatrick, '...original vegetation remnants...', pp 229, 235, 237
- ²³ *Daily Telegraph*, 21 October 1893 & 13 January 1894
- ²⁴ Anne McKay, *Land Commissioners' Journals*, p79
- ²⁵ Meredith, *My Home in Tasmania*, p161
- ²⁶ *Examiner*, 5 May 1847
- ²⁷ Ducker, *The Contented Botanist*, p189
- ²⁸ Ducker, *The Contented Botanist*, p190
- ²⁹ Scott, in Davies, *Atlas of Tasmania*, pp 43, 58-59
- ³⁰ *The Colonist*, 4 February 1888; see Bolton, *Spoils & Spoilers*, p37
- ³¹ Robson, *History of Tasmania*, vol 2, p269
- ³² Scott, in Davies, *Atlas of Tasmania*, p44; see *Mercury*, 13 July 1898, for a parliamentary discussion of the forest problem.
- ³³ Harvey letter in Chick, *The Archers of Van Diemen's Land*, p166; see also Ducker, *The Contented Botanist*, pp 188-95, and William Archer, 'Excursion to Cummings Head and Meander Falls', *Papers & Proceedings*, Royal Society of Tasmania, 1870, pp 54-61
- ³⁴ Kirkpatrick et al, *City Parks and Cemeteries*, pp 17-21; see Ch6 for reference to Archer's bad lands
- ³⁵ *Daily Telegraph*, 28 October 1893
- ³⁶ Crawford et al, *Wedge diaries*, p21
- ³⁷ Jones, 'Tasmanian Tribes', p344; Robson, *History of Tasmania*, vol 2, pp 27-28; Report on Waste Lands between Mersey and Leven, *LCJ* 84 1860. A similar process occurred in New Zealand. See Crosby, *Ecological Imperialism*, p268
- ³⁸ Cadman, pers comm, 21 January 1995
- ³⁹ John Mitchel, *Jail Journal*, pp 322-33
- ⁴⁰ Harvey letter in Chick, *The Archers in Van Diemen's Land*, p165
- ⁴¹ *Daily Telegraph*, 28 October 1893
- ⁴² Cadman, pers comm, 21 January 1995
- ⁴³ *Examiner*, 5 April 1860
- ⁴⁴ Fensham & Kirkpatrick, '...original vegetation remnants...', p232
- ⁴⁵ Sprod, *Whitehead Letters*, pp 70, 81, 108
- ⁴⁶ McKay, *Land Commissioners' Journals*, pp 72, 78-80
- ⁴⁷ Fensham & Kirkpatrick, '...original vegetation remnants...', p232
- ⁴⁸ For a discussion of Tasmanian soils see K.D. Nicholls & G.M. Dimmock, 'Soils', in Davies, *Atlas of Tasmania*, pp 27-29
- ⁴⁹ See Ch6
- ⁵⁰ Cadman, pers comm, 21 January 1995
- ⁵¹ Personal observation, 1 December 1996
- ⁵² Natasha Bitá, 'Forest loss linked to soil degradation', *Weekend Australian*, 4-5 May 1996
- ⁵³ Robson, *History of Tasmania*, vol 2, p27; Morgan, *Land Settlement*, Ch7
- ⁵⁴ Sprod, *Whitehead Letters*, p204
- ⁵⁵ See Ch7, n46
- ⁵⁶ Bolton, *Spoils & Spoilers*, p55
- ⁵⁷ *Cornwall Chronicle*, 1 September 1874
- ⁵⁸ See Ch7, n46
- ⁵⁹ *Examiner*, 15 December 1910
- ⁶⁰ H. Widowson, *The Present State of Van Diemen's Land...*, p115; James Boyce, 'Journeying Home: a new look at the invasion of Van Diemen's Land', in *Island Magazine*, no66, Autumn 1996, p41-2; see Bolton, *Spoils & Spoilers*, pp 11, 14; Robson, *Short History*, p33
- ⁶¹ See, for example, West, *History of Tasmania*, pp 358, 371
- ⁶² Letters of Peter Parry Fogg, Box 966/1, MS 8146, La Trobe Library, Melbourne. Australian Manuscripts; see also *Illustrated Tasmanian News*, January 1875

⁶³ See *Cyclopaedia of Tasmania*, p167; Meredith, *My Home in Tasmania*, p157

⁶⁴ West, *History of Tasmania*, pp 363-4, provides a detailed and somewhat extravagant description of the Chudleigh Caves

⁶⁵ *Colonist*, 23 June 1888.

⁶⁶ Meredith, *My Home in Tasmania*, p 161

⁶⁷ See Sprod, *Whitehead Letters*, p81; Robson, *History of Tasmania*, vol 1, p173

⁶⁸ Unless otherwise indicated, the following discussion is based on Peregrinator, 'Notes of a trip in the vicinity of the Cradle Mountain', in *The Colonist*, 17 March 1888; MS copy in Box 5, ENVC, Queen Victoria Museum & Art Gallery, Launceston

⁶⁹ I suspect Peregrinator was W.D. Weston. See Ch5, note 59

⁷⁰ The impact of forest clearance on rainfall levels was commonly discussed in colonial Australia. See Bolton, *Spoils & Spoilers*, pp 43-44

⁷¹ See, for example, Peter Dombrovskis & Bob Brown, *Wild Rivers*, Hobart: Peter Dombrovskis Pty Ltd, 1983, pp 16-17, 20, 22, 28

⁷² Bolton, *Spoils & Spoilers*, pp 4, 6, 9

Chapter 9

'OLD HANDS' & HOSTILE PLACES *convicts, emancipists & ageing invalids*

the felon delinquents, transported from their native land, unhappily to add to the commission of every vice of their debased predecessors in every crime which can be imagined, even to the worst of human depravities.¹

The prosperity of landed elites in colonial Tasmania depended on the systematic exploitation of cheap labour. Both government and social law assisted the process of working class exploitation. In the years before 1853, convict assignees and later convict probationers provided cheap labour to landholders and built roads and bridges in the region. After transportation, landholders were forced to pay their workers, many of whom were emancipated convicts. Wages were set locally and were chronically low, except for a brief period during the 1850s Victorian gold rush. Working class itinerancy and unemployment were common. Economic exploitation was compounded by masters' legal power. Throughout the century, relations between employers and employees were governed by master and servant legislation biased in favour of masters. The power of masters was enhanced by mechanisms established to administer the legislation. Master and servant legislation was administered in local courts by a magistracy drawn mostly from local elites before the establishment of municipal councils in the early 1860s and exclusively from them afterwards. Despite chronic poverty and the oppressive political climate, workers were not entirely disempowered. Many refused to conform to social and work expectations held by their masters, while others acted contemptuously towards official authority. Chronic labour shortages gave workers some bargaining power; many asserted a spirit of independence, taking work only when it suited them. The convict tradition of heavy drinking was vigorously pursued, although in the final decades of the century, illness, old age and unemployment forced many emancipists to enter the colonys' invalid depots, effectively a revisiting of the early days of incarceration.

Only recently have historians begun to write the story of agricultural labourers in Australian history, especially for the second half of the nineteenth century. Pastoral workers have received greater attention, mainly because of their role in the emergence of trade unionism.² The casual and seasonal nature of agricultural work inhibited the development of agricultural trade unions,

and hence no body of documentary evidence was generated on trade union activity. The evidence that is available is spread far and wide and generally concerns convicts and emancipists, the survivors of the earlier convict era. That emancipists should be the focus of the evidence after the 1850s is itself revealing of the ongoing preoccupation of colonial society with what Henry Reynolds called 'that hated stain'.³ The central focus in this chapter is thus on convict and emancipist workers in Tasmania's Central North, where convicts and emancipists supplied the bulk of the labour and population, at least into the late 1860s. Issues explored include the assignment and probation systems, the nature of work and the level of wages, itinerancy and unemployment, master and servant legislation, working class protest, and the incarceration of ageing emancipists in the colony's invalid depots.

The convict era: assignment and probation

The assignment system was established in conjunction with the land grant system and continued to operate across the region until the early 1840s. Assignment constituted a means of punishing convicts and a way of providing cheap labour to early grantees. At Norfolk Plains, under the governorship of Lachlan Macquarie, both free colonists and emancipists repatriated from Norfolk Island were provided with assignees for periods from one to two years. The number of assignees varied from two to four and was determined by the colonist's status. The most deserving colonists, ex-military men and government officials, did best; the least deserving, former emancipists, did worst. Early grantees other than those from Norfolk Island, both free and emancipist, also received assignees.⁴ In the 1830s land grantees across the region had access to assignees. Some masters exceeded the law in their treatment of assigned servants. One Deloraine observer noted that although humane masters were not uncommon, there were 'tyrannical masters, some of whom had become infamous in their cruelty to their assigned servants, whom they would have flogged for the most trivial offences'.⁵

In the 1840s assignment was replaced by probation, partly because of the unpopularity of the police force, largely composed of ex-convicts, which Governor George Arthur set up to administer the assignment system.⁶ Probationers were expected to pass through five stages on the path to liberty. A period of hard labour, either on the treadmill or breaking stones, was followed by time on a probation gang building roads and bridges or clearing



The Longford Bridge in 1840, with a toll house, built by convict labour.



Deloraine in 1858. The bridge and most buildings were built by convict labour. At bottom left of the picture is the Deloraine Hotel. When the railway came in the early 1870s, the station was built on the flat ground behind the row of Georgian cottages, to the left of centre. The buildings at top left are close to the racecourse and recreation ground.

landowners' forests. Both the first and second stages included moral instruction. The third stage labelled convicts as probationary pass holders, which enabled them to obtain work within a specific district at a set wage, usually 3/5d per week. Following the mid-1840s depression, passholders formed the bulk of the rural workforce. In 1847, 10,673 of 14,871 passholders in the colony were employed and free immigrants were unable to obtain work. When the passholder's sentence had expired, a ticket-of-leave was granted, and finally emancipation came in the form of a conditional or absolute pardon.⁷ At least seven probation stations were established at various places around the Central North, including Deloraine, Westbury and Norfolk Plains, and at Kerry's Lodge, Cocked Hat Hill, Perth and Snake Banks, the latter four located on the Launceston to Hobart road.⁸

The major purpose of the probation system in the Central North was to build roads and bridges, the infrastructure necessary to transport produce and people to and from Launceston. In order to attract a station to Deloraine, local colonists provided most of the funding needed to construct the station 'on condition of the convicts being employed on the roads, and, more especially, in making the one lined out between Deloraine and Westbury'.⁹ Given their contribution to the establishment of the station, the colonists apparently felt they had earned the right to access probationers as labourers on private projects. Even though the stipendiary magistrate for the Police District of Westbury (which included Deloraine), A.B.Jones, expressed concerns about slow progress in building the Deloraine to Westbury road, twenty six private Deloraine landholders, especially the wealthier ones, had direct use of probationers. James Macarthur used 10 probationers in the early 1840s to clear forest on his Alveston estate at Deloraine.¹⁰ Between 1843-47, Henry Reed used probationers to clear forests and erect farm buildings on his Wesley Dale property.¹¹ William Archer had at least nine probationers at Cheshunt building dead-wood fences.¹²

The administration of the Deloraine station, which was capable of holding up to 300 men,¹³ was marked by abuse and inefficiency. Prisoners were forced to endure a harsh work regime, primitive and overcrowded living conditions and regular cruelties. This was especially so during 1843, when the number of punishments at the Deloraine station was nearly double that at Westbury. Jones refused to prosecute some convicts because he believed Captain Pineo, the station commandant, singled them out for persecution. Conditions improved in 1844 after Pineo was replaced.¹⁴ In a 1975 thesis,

A.P. Davidson suggests the system overall failed because through the mid-1840s little work was available.¹⁵ Convict Department employee James Syme suggested one reason the system failed was because station authorities, wanting to create the impression that the system was working well, failed to take 'instant, prompt, and prudent measures for the effectual subjugation of all insubordination' by prisoners, and because authorities made inefficient use of convict labour.¹⁶ Neither explanation takes account of the willingness of probationers to engage in resistance to the authority of masters and station officials.¹⁷ Davidson further suggests the system failed because many employers were not interested in providing probationers with moral instruction. This explanation, however, seems unlikely. It presupposes that moral instruction was capable of inducing individuals to reform in a milieu characterised by brutal exploitation. At the Deloraine station moral instruction consisted of station officials reading prayers to inmates during morning and evening parade,¹⁸ a practice more symbolic of the power relations between authorities and inmates than any serious attempt at moral enlightenment.

'a migratory class attached to no locality'

Excluding artisans and mechanics, the rural working class in the second half of the century can be divided into three groups. (see Table 9.1) Domestic servants and others attached to the homestead, most of whom were female and many of those emancipists, worked as housekeepers, maids, cooks, grooms, coachmen, shepherds, herdsman, porters and storemen. In sowing and harvest seasons farm labourers worked as ploughmen, sowers, reapers and threshers, and in other parts of the year built fences, dug out rabbit burrows, grubbed roots, cut thistles, dug drainage ditches and collected firewood. Non-farm labourers were the third working class category and included such workers as paling splitters, laundresses, sawyers, needlewomen, road builders and gardeners. Some old hands worked as shearers, although by 1878, at least in Evandale, most were either dead or in the Invalid Depot.¹⁹

The working class, including artisans, mechanics, domestics, farm labourers and other labourers, constituted 60% of the Central North workforce in 1861. By 1870, the proportion had increased to 73 per cent.²⁰ During the 1860s, the numbers of artisans, mechanics and domestic servants slightly decreased and that of farm labourers dramatically increased. If the 1870 figure for other labourers is added to that for farm labourers, the

population of labourers, both farm and non-farm, more than doubled in the decade. In all likelihood, several factors account for this increase. Since the decade of the 1860s was one of economic depression, the increase may have resulted from migration from drier districts in the colony to the better-watered and more fertile Central North, especially Deloraine and Westbury as well as from natural increase and diggers returning from the Victorian goldfields. Expansion of the agricultural economy and the arrival in the region of newly emancipated convicts²¹ were other factors. The frequent complaint that labour was scarce²² probably attracted some workers to migrate to the region.

Table 9.1: Regional working class 1861-70*

categories of workers	1861	1870
artisans & mechanics	662/16%	538/9%
domestics		
male		164/3%
female		479/8%
	682/16%	643/11%
farm labourers	1,865/44%	3,014/50%
other labourers	- / -	758/12%
Total working class	2,547/60%	4,415/73%
Total workforce	4,197	6,043

Source: Census Abstracts, *Statistics of Tasmania*, 1861 and 1870.

* Percentages refer to proportion of overall workforce

Calculating the number of emancipist workers in the Central North in the second half of the century is a highly speculative exercise. The Tasmanian population grew slowly in the years after 1857, and so the percentage of convicts and former convicts remained high. According to Reynolds, in 1857, just four years after the end of transportation, 50% of adults and 60% of adult males in Tasmania were either convicts or former convicts. The absence of official statistics for convicts and emancipists after 1857 precludes calculation of the actual numbers of emancipists and the rate at which they declined, although at the end of the 1880s some 800 emancipists were housed in invalid institutions in Launceston and Hobart.²³ According to T.H. Irving, 30-40% of adult males in Tasmania in the late 1860s had been convicts. Unfortunately, Irving does not provide a source for this information.²⁴ As Reynolds suggests, the Tasmanian population grew slowly, but the Central North was an exception to this trend. Deloraine's population tripled between the late 1850s and 1900,²⁵ and during the 1860s the Central North workforce increased by almost one third, from 4,200 to just over 6,000, approximately 5,500 of whom were male. (see Table 9.1) Again, the status of the

newcomers is unclear, although since most male emancipists were farm labourers and the farm labouring workforce increased from 1,865 in 1861 to 3,014 in 1870, it is likely many were newly FS emancipists. Using Reynold's estimate that in 1857 some 50-60% of adult males in Tasmania had been or were still convicts, and given that the bulk of emancipists were concentrated in the agricultural districts,²⁶ we might estimate that some two thirds, or 1,200 farm labourers in the Central North in 1861 were emancipists. Supposing that some 33% of all adult males at the end of the 1860s had been convicts, the Central North population of emancipists would have been something in the order of 1,800. Given that during the period between 1860 and 1890 in Deloraine eighty per cent of drinking charges were laid against emancipists, the actual numbers of drinking charges give some clue to the gradual passing of emancipists. Drinking charges against emancipists in Deloraine declined from 315 in 1860 to 130 in 1870, from 115 in 1880 to 57 in 1890, and to 10 in 1896-97. A similar pattern of decline is evident in Westbury and Longford, and to a lesser extent in Evandale, where demand for agricultural labour was limited.²⁷

Table 9.2: Weekly wage rates for farm labourers, with rations, Tasmania's Central North, 1869-1898

Year	1869	1879	1888	1898
Deloraine	15s	10s	15s6d	13s6d
Evandale	10s	10s	15s	10s
Longford	9s	10s	10s	8-12s
Westbury	10s	15s	12s	12s
Ctl North average*	11s	11s	13s	11s

Source: Calculated from *Statistics of Tasmania*, 1869, 1879, 1888 & 1898

* rounded to the nearest shilling

One observer claimed in the late 1870s a single man could live on 15/- per week.²⁸ The Central North average for weekly wages, plus rations and hut accommodation, was slightly more than 11/-. (see Table 9.2) In Victoria the rate in the same period ranged up to 20/- per week.²⁹ Tasmanian farm labourers were thus considerably worse off than their Victorian counterparts. Wages were set locally and calculated on a daily, weekly or annual basis depending on the nature of the work. Domestic servants were normally engaged annually, farm labourers weekly and day labourers daily. Because they were set locally, wage rates varied widely in the Central North, although generally they accorded with the colonial average.³⁰ Longford, the

most prosperous of the four districts, consistently paid farm labourers the lowest rates, whereas Deloraine, the poorest of the four districts,³¹ was the most generous. Perhaps Deloraine employers had to pay more in order to attract workers drawn to Launceston during winter. Despite the low level of wages, the general perception was that the cost of agricultural labour was 'too high for advantageous employment, and a great deal is inferior at that'.³²

The lot of domestic servants, most of whom were female (see Table 9.1), was, if anything, worse than that of farm labourers. Domestic service was accorded less dignity and status than other working class occupations, and many servants were treated with contempt by their mistresses. Accommodation was often poor and 'the long hours of continuous work each day do make the life a hard one'. Domestics worked from early in the morning until late at night and they worked 'harder as a rule than in England, fewer servants being kept'. Wages for domestic servants ranged from 15-30 pounds per year.³³ When averaged over the year, rates of pay for domestic servants were slightly lower than those for farm labourers; if domestic servants had any advantage over farm labourers, it was that they had more secure employment and a limited sense of a place called home. On the other hand, domestics servants were denied whatever freedoms itinerancy, the lot of many farm labourers, offered. For many domestics, condemned as they were 'to a life within a house from morning till night', service was marked by a 'tedium and...terrible loneliness'.³⁴

The practice of attaching wages, or trucking, further enhanced masters' power over their servants. Attaching wages involved a court order, known as a garnishee, authorising an employer or creditor to deduct an amount owed from an employee's wages. In an 1857 petition discussing proposed reform of the 1856 Master and Servant Act, 94 masters from Launceston, Evandale and Westbury argued for the power to attach servants' wages. The petitioners argued that if a servant left a master's service before the payment of any sum due as ordered by a justice of the peace, the master should have the power, within a three year period, to attach an offending servant's wages or any other sum due from any future master. This meant that any future master would be compelled to forward a servant's wages to the servant's former master until the sum owing was paid. The petitioners further complained that the method prescribed by the Bill for obtaining such monies was impracticable given many servants' itinerant habits, their

tendency to change their names, and the likelihood of incurring other fines for felonies or other offences.³⁵

Farm labourers comprised 'a migratory class attached to no locality'. Roaming the countryside in search of work was a necessary aspect of everyday life, and most 'rarely' had any property 'excepting clothes and tools'.³⁶ Itinerancy was well established in the transportation era, probably in conjunction with the probation system. In mid-January 1847 the harvest season 'caused a sudden demand for labour'. Five weeks previously 500 probationers were held in the Launceston penitentiary but by mid-January only ninety remained.³⁷ In later decades, some free labourers took up itinerant lifestyles, suggesting that irrespective of criminal status, many agricultural labourers were expected to be itinerant.³⁸ Many farm labourers thus lived a lifestyle of movement and poverty punctuated by brief periods of employment in planting and harvest seasons.³⁹ Unemployment resulted largely from the seasonal nature of agriculture, but employer attitudes also played some part. Michael Roe argues that prior to 1850 moral enlightenment and temperance were bound tightly together in NSW and Van Diemen's Land by associations opposed to the employment of convicts. Many employers believed that convicts were incorrigibly dissolute and so adopted policies towards them that imposed itinerancy and shiftlessness.⁴⁰ Despite the arrival of 36,000 convicts between 1831-47, labour was scarce in 1847. According to Samuel Martin, those available were demanding wages in advance, and 2,000 in hiring depots were either unable or unwilling to work.⁴¹ In the immediate post-transportation era employers had little option but to employ emancipists, given frequent complaints about labour shortages. In Evandale, working class immigration from mainland colonies in the 1870s apparently limited employment opportunities for emancipists. John Whitehead claimed that 'Working men are coming here from other colonies in hundreds....mostly all strong and young. There is no want of harvest hands'.⁴² Young, strong and free of the stain of convictism, these immigrants, if they actually existed, were much preferred to 'old hands'.

In the context of unemployed wandering there developed an informal system of bartering labour for food, a practice which gained public attention in 1872. In parliament John Whitehead complained that residents of country districts found it a 'heavy tax' to provide meals and lodgings for 'stragglers'. The Minister for Lands thought these men, commonly known as tramps or paupers, should be required to cut firewood before getting supper and a bed,

or if they arrived too late cut wood in the mornings before receiving breakfast.⁴³ The *Mercury* thought the best solution would be a central labour mart, which would limit the hardship of haphazard tramping forced on many men, and alleviate the bitter complaints of various settlers 'who have to feed these wanderers'. Some were genuine industrious men, but others were 'idle vagabonds' who chose to live in this precarious way'.⁴⁴ When the voluntary system failed, few other options existed. Throughout the 1870s many single unemployed men from rural districts sought sustenance from the Launceston Benevolent Society; at times, especially in the winter, homelessness was so great that police cells were opened to satisfy the need for shelter.⁴⁵ In the country towns, some emancipists resorted to stealing food or clothing, while others were punished for their destitution. In 1866-67, eleven defendants were sentenced to periods ranging from seven days to two months for being 'idle and disorderly'.⁴⁶ Not all emancipists were itinerants, although it is not possible to determine what percentage were at any one time. The Deloraine police and court records indicate that some remained in the one place for extended periods. Catherine Deverill, for instance, transported on the convict ship *Rajah*, had no fewer than 43 charges brought against her between 1860 and 1896.⁴⁷

As it did in agricultural regions across Australia,⁴⁸ the rapid introduction of harvest machinery into the Central North during the 1870s⁴⁹ induced significant change in work practices and conditions. Traditional harvesting skills declined, harvest seasons were shorter and the availability of winter work decreased. Tasmanian workers at first resisted the introduction of the machines, believing, with some justification, their interests were being prejudiced. In the early 1870s experienced Victorian workers were often preferred, but by 1875 many reapers were taking more kindly to the machines,

the most loud and violent in their denunciations going in for their 5s and 6s a day with an inward chuckle of satisfaction, as the wages are more than they can earn at 10s an acre for reaping in a good crop.⁵⁰

Employers had no such misgivings. In 1877 Daniel Burke and J Symmons, Westbury owners of new reaping and binding machines, spoke highly of the machines' performance. They stressed especially the savings in labour and horses and the capacity of one machine, with three men and two horses, to reap and bind 12 acres in a day. By 1879 the dozen or so reaper/binders in the district had dispensed with a great deal of manual labour.⁵¹ By 1877 most

harvesting in Evandale was done by machine; indeed, by 1881, 'hand reaping is now nearly discarded, nearly all is now cut with a reaper and binder, some with string some with wire, two horses and one man and the machine cut and tie up 9 to 10 acres a day and two smart lads will stack it'.⁵² By the 1880-81 season the use of harvesting machinery had stabilised the labour supply in Longford; since the introduction of machinery 'the supply of labour for harvesting purposes...was more than equal to the demand'.⁵³ Even in the subsistence capital of Deloraine several reaping and binding machines were 'dispensing with a great deal of manual labour'.⁵⁴ Although not directly stated, the impression is given that the machines were sub-contracted around each district, thereby maximising the impact on the need for farm labourers. Some tasks were not so readily performed by machines, but even so, refined procedures further reduced labour needs. In open country, the less labour intensive practice of making large rounded stooks replaced 'the old-fashioned method of setting...[the stooks]...up in pairs with say six at a side'. This change produced 'a great saving in labor'.⁵⁵

Master and Servant legislation

Until 1840 master-servant relations in Van Diemen's Land were governed by the Master and Servant Act in place in England. Since VDL was awash with convicts in the 1830s, the English Act came to be seen as inappropriate. An 1837 bill was rejected by the English authorities because it was too harsh but in 1840 a slightly revised version of the 1837 bill was accepted. Subsequent master-servant legislation in Tasmania varied according to the need, or absence thereof, to attract immigrant labour, but also by the desire to limit the ability of local emancipists to leave the island. The substantial pool of cheap convict labour in the 1840s obviated any such need and hence no thought was given to reforming the 1840 Act. The 1852 Act, which followed a committee of inquiry which included James Cox and Richard Dry Jnr as members, only marginally liberalised its precursor. A shortage of labour influenced legislators to draft an act in 1854 which was far harsher than any of its predecessors. The 1854 Act sought to halt the flow of workers out of the colony by making it more difficult for servants to leave their masters. Although amended in 1856, the 1854 Act established the legislative framework for regulating master-servant relations for the remainder of the century. The following discussion of Master and Servant legislation is based on A.P.Davidson's detailed consideration of the

legislation; his work is supplemented here with a consideration of the role played by local landed elites in the formulation of legislation, and the use of the legislation, mainly for the Deloraine district.⁵⁶

Over the period, the intent of master-servant legislation was to subjugate servants to the power of their masters, an intent especially evident in the 1854 Act. The Act gave servants some rights but considerably greater powers to masters. Servants had the right to fair treatment, and sufficient and wholesome food, but the delivery of such rights were at the discretion of the master.⁵⁷ The 1854 Act contained far more detailed regulation of contracts than earlier Acts. The aims were to stabilise the labour market and limit mobility for workers. The prevailing shortage of labour led to the inclusion of a provision that contracts could not be terminated without a month's notice, thus preventing a servant leaving a master for another position at higher wages.⁵⁸ Wages were paid quarterly and hence it was difficult for a servant to quit, for example to escape a cruel master, after a short period of employment. A servant could not sue a master for unpaid wages until the wages were due, or three months from the original engagement or from the previous pay day. A servant absconding for whatever reason could not seek work elsewhere because legally he or she was in breach of contract and absent without permission, and hence liable to severe punishment.⁵⁹ Periods of absence, either through choice or imprisonment, were not counted as part of a contract for service; a servant could thus be forced to return to a cruel master.⁶⁰

The 1854 Act ignored servants' rights under common law and provided for very harsh sentences. The Act allowed for a prisoner to be held up to 30 days in solitary confinement with hard labour. Such a provision had never appeared in any English Act. The government claimed the provision was necessary to separate free servants from 'vicious characters'. A 30 day limit was imposed only because Legislative Councillor Robert Kermode objected to the absence of a limit in the draft bill.⁶¹ The Act confirmed the denial of general appeal imposed under the 1852 Act, a confirmation retained in the 1856 Act. A servant brought before a justice by warrant could be held without trial for seven days to give the master the time to appear and substantiate a complaint. Warrants could be issued on the basis of a description only. Appearances by masters were not regulated by warrant and masters were not compelled to appear when summonsed.⁶² Only one justice was required to hear a charge, and forfeiture of wages could, at the justice's

discretion, be alternative or additional punishment to a prison sentence. Imprisonment with hard labour for absenteeism or unspecified misconduct was increased from one to three months and extended to include apprentices of any age.⁶³ The 1854 Act sought to impose on servants the legislators' perceptions of appropriate standards of moral behaviour. For the first time, the 1854 Act introduced the charge of abusive or obscene language. The scope for offences was wide and the penalty was up to three months with hard labour even if the curse or profanity occurred during an act of work and was not directed at any particular person.⁶⁴

The administration of the 1854 Act was perceived as harsh and unjust. The governor expressed concern that punishment and hard labour were used excessively and he urged magistrates to match punishments and crimes more appropriately. Penalties were always far harsher for servants than for masters. Of 592 cases in 1855, 90% were made against servants and a 'large proportion' involved imprisonment from one to three months. Thirty nine received the maximum three month penalty. Of the 64 cases against masters, 59 related to a failure to pay wages. In the 49 successful prosecutions, the only punishment was to pay up.⁶⁵ A more liberal 1855 bill lapsed when parliament was prorogued. Rather than seek to restrict worker mobility, as did the 1854 Act, the 1855 bill took measures designed to attract immigrant labour. The bill tackled the problem of harsh and unjust penalties, both in terms of the offence committed and between masters and servants. The charge of unspecified misconduct was removed, although the charge of 'neglect to perform duty' could be used instead. Imprisonment could be used only for the offence of destroying tools. Unlike English law at the time, imprisonment was otherwise discarded as a means of punishment either for an offence or for failure to pay any fine. By the time a fresh bill was drafted in 1856, however, unemployment was widespread, no urgent need to attract immigrant labour prevailed, and hence the 1856 Act only marginally liberalised its predecessor.⁶⁶

The 1856 Act diluted some of the harsher provisions of the 1854 version, but the introduction of a certification system sought to maintain the heavily circumscribed ability of servants to become owners of their own labour. Measures contained in the 1854 Act aimed at limiting the ability of servants to move from master to master were reinforced by the requirement of masters to supply a departing servant with a certificate of discharge which the servant was compelled to proffer to a future master. The certification

system marked the beginning of a shift from a penal to an administrative approach, from the use of imprisonment as a penalty for absence from work to the threat of unemployment, as a means of limiting servants' economic independence. The certification system also sought to curtail servant misconduct, since the certificate amounted to a character reference. Chances of future employment would be greatly reduced if the character was 'bad'. Since masters could be fined 20 pounds for employing a servant without a certificate, the system also sought to limit the poaching of servants from other masters. The certification system thus aimed to considerably constrain servants' capacity for changing jobs or for selling their labour to the highest bidder. Davidson claims the system, which was based on the 1563 English Statutes of Apprentices, would only be effective, however, as long as unemployment remained high. When labour was scarce, masters' needs for servants would have outweighed the non-compliance penalty on masters or the risk of employing a 'bad character'.⁶⁷

In other respects, servants gained little from the 1856 Act. The Act failed to offer substantial statutory protection of a servant's good character against a vindictive master who falsely wrote a negative reference. Magisterial discretion in administering the Act was considerable, and servants could still be forced to return to callous masters, although the period during which return could be forced was reduced from four years after departure to one. Refusal to work and disobedience remained punishable offences, and harsh penalties for obscene language were retained, as were provisions related to forfeiture of wages. Servants gained some potential benefit from the right to apply for discharge of a contract, and from the requirements that two justices rather than one were required to convict.⁶⁸ Attempts in 1857 to liberalise the 1856 Act failed, at least in part because of opposition from masters in the Central North.

Announcing the government's policy at the opening of the 1857 parliament, the governor suggested the existing Master and Servant legislation was based on an 'erroneous principle'. Agreement of service should be seen no differently from any other form of civil contract, nor should one party be liable to penalties of a 'criminal character'. The present law was too severe, it embittered relations 'which should rest upon mutual confidence and forbearance', and it separated men into 'distinct and antagonistic classes'. The bill proposed by the government adopted English law in regarding service as a civil contract but rejected penal aspects still in place in England.⁶⁹ Local

elites reacted with varying degrees of horror to this proposed liberalisation. Parliament received hostile petitions from Deloraine, Longford, Westbury, Evandale and Launceston, as well as other districts with high emancipist populations.⁷⁰ Deloraine petitioners effectively objected to the proposed recognition of servant rights. The petitioners felt that 'withdrawal of the liability of imprisonment' of servants for up to one week without trial for offences such as drunkenness or obscene language 'practically leaves the master without any redress'. The traditional system of moral economy⁷¹ was favoured over any attempt to encode servants' rights in law. The petitioners 'were desirous that all proper protection should be given to the Servant as respects remuneration for his services, and his treatment morally and socially', but such protection should be the province of the master, not the law.⁷² How such protection would be guaranteed was not at issue. A group of Longford petitioners, led by large landowner Charles Arthur, met at Longford's Blenheim Hotel in December 1857 to organise a petition opposed to the bill. The petitioners claimed the bill was unjust and detrimental to the interests of both parties, it would diminish the confidence that should exist in such a relationship, and it would prevent the formation of engagements. William Archer claimed the proposed bill was inappropriate because of the incidence of emancipists in the workforce. Thomas Walker thought the bill, if passed into law, would enable servants to misbehave with 'perfect impunity' because the only penalty for misconduct was 'trifling' and 'almost impossible' to impose.⁷³ A petition from Evandale, signed by 50 petitioners including large landowners James Cox, Allan McKinnon, Robert Cameron, J.W. Ralston and John Bryan, claimed the bill 'affords no protection to the Master, is subversive of all discipline, and will be ruinous in its effects' for both masters and servants. The petitioners preferred the English law.⁷⁴

A petition including signatures from Longford, Westbury and Launceston⁷⁵ saw the proposed bill as a sure pathway to economic and social catastrophe. Signed by 94 petitioners including several tenant farmers from the Quamby estate,⁷⁶ the petition betrays considerable distrust and even fear of the emancipist working class. The petitioners argued the bill would cause large employers to curtail or even abandon their operations. Serious losses to individuals and the country would follow, and many labourers would leave the colony. More specifically, the bill was 'harsh and unjust to the Master' because the master was liable to twice the fine, 10 pounds, as were servants in any case of conviction for misconduct or breach of agreement. Although the

petitioners felt that any fine against a servant for destruction, despoilation or loss of a master's property should be paid to the master, they objected most strenuously to the proposal to pay to servants any fine against a master for misconduct or breach of agreement. Such a procedure would be

productive of the most pernicious, vexatious, and demoralising results, by tempting and inducing Servants to concoct charges against their Masters, and to commit the most foul perjuries for the sake of the amount of fine to which the Master would be liable.

Read as a single document, the petitions suggest that masters saw the emancipist workers as unprincipled characters routinely capable of unimaginable perjuries. The question of servants' rights was properly the discretion of masters. The petitioners' major concerns were the protection of their interests, security from the likely depredations of their servants, and the retention of masters' power to discipline their servants as harshly as necessary. As the combined petitioners wrote, the bill's provisions failed to secure to masters 'that protection which the circumstances of the colony demand'.⁷⁷

The Master and Servant Act was often used in the period before 1860, but less so afterwards.⁷⁸ A remarkably wide range of charges were brought to trial under the Act. Davidson suggests a broad approach was taken to regulating servant misbehaviour and that this accounts for a wide range of offences. He might have added that discretion and flexibility in laying charges increased the power of masters and their agents. The legislation comprehensively defined misconduct and gave masters considerable discretion in devising charges. Absence from the workplace, for example, might be expressed in a dozen different ways, thereby creating the impression that masters, could improvise offence descriptions in relation to individual offenders.⁷⁹ Workplace offences fell into four areas and included absence from the workplace, absconding and refusal to return to service; refusal to work and neglect of duty; insolence, threatening assault, abusive language and drunkenness; and the generic and widely applied charge of unspecified misconduct.⁸⁰ The regular use of the charge of misconduct was symptomatic of relations between masters and servants. The term reflected the paternalistic nature of colonial society, but especially the paternalistic and authoritarian nature of master-servant relations.⁸¹ Most offences incurred severe penalties; terms of imprisonment were usually served in the Launceston House of Correction.⁸²

The most serious offence dealt with by the Deloraine lower court before 1860 was insolence. Atkinson suggests that in NSW charges of insolence derived from a servant insisting on a right, for example a ration, which the master saw as a favour. Rights, according to Atkinson, 'do not exist only in the minds of those with the power to concede them; they evolve within a system of unequal relationships, and they depend on the dynamics of the system'.⁸³ The charge of insolence in the Central North was often brought in concert with other charges; the impression given is that the maintenance of absolute obedience to the wishes of the master, at least during the 1850s, was paramount - to expect less was to run the risk of insubordination. The gravity of the charge is clearly indicated by the severity of the sentences. In July 1846, Isaac Waters, a pass holder transported for seven years, was sentenced to six months hard labour out of chains for disobeying orders and being insolent to his master. In March 1849, James Morton, a pass holder originally sentenced to ten years, was sentenced to one month hard labour for neglect of duty and insolence on a Sunday morning. Joseph Lloyd, a 22 year old literate passholder originally sentenced to ten years transportation, was sentenced to three months for insolence to his overseer and other unspecified misconduct. Women were not spared these severe sentences. In June 1850 Mrs Baldison, a 20 year old passholder originally sentenced to 15 years, was given six months hard labour for insolence to her master.⁸⁴

Absence from the workplace was treated severely by the Deloraine local court. In May 1847, James Williams, a pass holder transported for seven years, was charged with being absent without leave from his master's premises on a Sunday and the following Friday. Williams, who pleaded guilty, was sentenced to three months hard labour in chains. In February 1850 another passholder was charged with misconduct in that he refused to go back to his master's service. He pleaded guilty and was sentenced to four days solitary confinement. Avoiding work was still frowned on in the 1860s although sentences were less severe than in earlier years. Eight of the 12 work related charges in 1860 were for being absent from or absconding from service. Six convictions and two discharges were recorded. Sentences varied from a five pounds fine or one month in prison to a 40/- fine plus costs (a total of about four weeks wages for a labourer) to forfeiture of all wages due. In such cases, no costs were awarded and no fines levied; the master was the direct and only beneficiary. Quite clearly one function of the lower court was to impose the fulfilment of contractual obligations on servants and to punish

unauthorised absences from the workplace. The unspecific charge of neglect of duty was also treated severely. William King, for example, pleaded guilty to neglect of duty in March 1849. King was sentenced to ten days in solitary confinement. The court had some regulatory function in ensuring that pass holders were gainfully employed in the service of a master, out of harm's way and contributing to the capitalist enterprise, although in at least one case a lenient attitude was taken. In October 1850, James Brinkworth, a 28 year old literate ticket of leave holder originally transported for 15 years, was reprimanded on a charge of not looking for work according to his pass.⁸⁵

While servants were often treated harshly by the court, the incidence of dismissals in Deloraine suggests justices there at least were not entirely blinkered by the interests of masters, and that workers did have some possibility of justice. The incidence of dismissed cases suggests that masters were expected to clearly prove any charges. Of 12 non-drinking workplace charges in 1860, seven convictions and five dismissals were recorded. To that extent at least, the local court saw itself not as a mere sycophant for masters but as an independent magistracy committed to the rule of law. Of ten cases of drunkenness allegedly committed on a master's premises in 1860, five were dismissed, although while awaiting a hearing one defendant served two and another three days in the local lock-up. Of those convicted, three were fined 40/- plus unspecified costs. This penalty was four times that levied against offenders in public places. Getting drunk on the master's sacred ground was apparently four times worse than getting drunk in a public place, for which the standard penalty was 10/-.⁸⁶ The other two drinking offenders, William Sim and William Haigh, each copped a five pound fine or one month in prison. The police charge book does not record whether Sim and Haigh paid their fines or served their time. The incidence of dismissals also suggests that some masters tried to use the court to gain benefit at the expense of their servants. In 1860, for example, two charges of leaving before expiration of the employment contract were dismissed.⁸⁷

The concentration of charges under the Master and Servant Act in the period before 1860 suggests masters either perceived or were given more trouble by prisoners not yet emancipated. In the years 1846-50, 19% (17 cases) of all charges heard in the Deloraine local court were brought under master and servant legislation. In 1855 the figure was still 19% (22 cases), but by 1860 it had dropped to 2.6% (12). In 1870 the figure had risen to 6% and to 7% in 1880. By 1896-7, only 1% of charges were brought under

master and servant legislation. Of all Deloraine lower court charges (1,365) in the years examined, 82 (6%) related to master and servant legislation. Despite less frequent use after 1860, sentences were still severe. In 1866-7 three offenders received sentences of one month each for minor offences under the Masters and Servants Act.⁸⁸ In May 1870 George Curran was fined one pound in default of seven days with hard labour for absence from service,⁸⁹ and in January 1897 for the same offence Daniel Kelly was fined two pounds with 7/6d costs and ordered to forfeit any wages due.⁹⁰

Against strong opposition from the Legislative Council, led by Longford MLC William Dodery, significant liberalisation of master-servant legislation occurred in the early 1880s, partly in response to an 1881 petition from northern Tasmania urging revision of the Act in line with other liberal institutions of the colony.⁹¹ In the 1882 session of parliament, the Chief Secretary, describing the present Act as 'harsh and penal' and 'a relic of barbarism and of old times, altogether unsuited to a free community', argued that criminal law procedure should be confined to criminal acts and civil law procedure to civil acts. The Chief Secretary was concerned that of all the Australian colonies, Tasmania alone retained a system which failed to distinguish between the criminal and civil jurisdictions, and the only colony where, in the first instance, 'a servant who might be guilty of some trifling act of impropriety...could be lodged in gaol at any moment at the discretion of a justice'. The Chief Secretary thus proposed to require the issue of summons in the first instance, and less controversially, repeal the certification system and introduce a system whereby either party could give one week's notice when the period of engagement was one week, two when two weeks, and otherwise one month. Led by Dodery, the Legislative Council unanimously opposed repeal of a justice's power to issue a warrant for arrest in the first instance, mainly because, so they claimed, the provision was rarely enacted, and only so when the offender was 'a bird of passage...who could be reached by nothing but a warrant'. Dodery also argued that masters had insufficient protection against female servants; female servants were prone to 'break things out of spite, and behave in a disorderly way, and nothing could be done to them'. Dodery urged, unsuccessfully, that the Bill be amended so that female servants' wages could be attached at their next place of service so that fines imposed for an offence against a previous master could be collected.⁹² A further attempt to repeal a justice's power to issue a warrant in the first instance was successful in 1884, as was the power of a magistrate or justice

to commit a servant to prison for seven days without trial to give the plaintiff time to appear. No further amendments were made until 1934, and the Act was still in force in 1975.⁹³

Through its vice-regal mouth-piece, the government claimed in 1892 that Tasmania was fortunate the early 1890s shearer and maritime strikes in NSW and Queensland had not occurred in Tasmania. The absence of strikes in Tasmania was proof enough that 'a community of interests' over-rode 'other self-interested motivations'.⁹⁴ This interpretation is open to debate, since striking workers faced the threat of prosecution. The 1889 Conspiracy and Protection of Property Act offered some protection for striking workers but the 1856 Master and Servant Act allowed for individuals engaged in strike action to be prosecuted for breach of contract. Such measures were taken against striking unionists in NSW and Queensland in the early 1890s.⁹⁵ Major disputes, nevertheless, did not occur in Tasmania in the emancipist era. This does not mean, however, that emancipists lacked a sense of solidarity or group consciousness, nor that they were not prepared to challenge their masters' power.

The Vandemonian spirit

In Australian historiography, studies of protest by non-unionised rural workers in the colonial period are few in number. I suspect the main reason for this is the scattered and fragmentary nature of the source material, especially in relation to that available for the union movement. Studies by Alex Castles and Alan Atkinson helped form the following discussion. In 1991 Castles argued that in early colonial Tasmania a spirit of independence and contempt for official authority, which he called the Vandemonian spirit, characterised convict attitudes to their rulers.⁹⁶ James Boyce has more recently expanded Castles' work, persuasively showing that the Vandemonian spirit was firmly established by 1815 as a consequence of the role of convicts in procuring kangaroo meat and negotiating with the country's Aboriginal owners.⁹⁷ In his study of assigned servants in NSW in the early decades of the nineteenth century, Atkinson suggests the 'opportunity for that type of mutual adjustment and joint action which makes for group consciousness was very limited', although a working class awareness of what constituted proper relations between masters and servants and 'a sense of injury...when they see those forms violated' did exist. The sense of injury was expressed in four patterns of worker protest: physical or

verbal attacks, appeals to authority, the withdrawal of labour, and compensatory retribution.⁹⁸ In Tasmania's Central North from the 1840s some opportunity for joint action did exist, especially in the probation period. The flag of Vandemonian independence was kept aloft by emancipist farm labourers in the second half of the century, and certain patterns of protest did develop. In addition to actions such as insolence and absence without leave, which might be reasonably seen as examples of worker protest (discussed above in this chapter), convicts and emancipists engaged in organised insubordination, showed contempt for official authority, refused to assist police, destroyed masters' property, flouted middle class social values, and asserted their economic independence.

In the assignment period bushrangers such as Matthew Brady practised a form of selective retribution against known tyrannical masters while sparing those who treated their servants humanely.⁹⁹ Organised insubordination took at least two forms at the Deloraine probation station: a convict mutiny and a thriving black market. The lack of work, due to the mid-1840s economic depression, regular abuse, official corruption, and an apparent desire by station authorities to create an impression of lawfulness, all contributed to a milieu which facilitated joint action. During the worst of Captain Pineo's reign, twenty one prisoners mutinied and were sentenced to a total of 22 years imprisonment. The prisoners absconded, divided into several groups, and immediately attacked a nearby cow with their stone hammers, cutting some beef steaks off one side.¹⁰⁰ James Syme claimed the absconders

levied heavy contributions on several groups, having robbed them of fire-arms, watches, and provisions of all descriptions they could obtain, besides creating the utmost alarm and terror, especially where there were females.¹⁰¹

At Dunorlan the absconders were joined by four others from the Mersey station; they stripped a colonist's place of everything that could be moved, took liberties with the colonist's wife, and attacked a manservant with their stone hammers, almost killing him. From the Dunorlan house and several others they visited, the absconders stole 13 muskets. A military detachment was sent to Deloraine to deal with the matter but soon returned to Westbury to protect the magistrate who sentenced the men in the first place.¹⁰² James Syme claimed that the authorities' slowness to react to the 'insubordinates' and take 'severe' measures when the convicts were recaptured was characteristic of the weakness of discipline in the station, evident in a history

of lenient sentences and lax administration.¹⁰³ One explanation for this apparent weakness of discipline lies in evidence of official corruption in the station. A.B. Jones, the visiting magistrate, claimed that a group of favoured convicts and, by implication, corrupt authorities, were involved together in a thriving black market. Timber split-sawn by convicts was offered for sale around the township and no regular accounts were kept on nails, paint or iron sent to the station for building purposes.¹⁰⁴

Several Deloraine convicts engaged in displays of contempt for official authority. One convict brought before the local court, when told by the presiding magistrate to stand up and listen to the charge against him, leant against a wall and responded 'Don't bother me'. The exchange went on:

Magistrate: I desire you will stand up

Convict: Did I not tell you not to bother me?

Magistrate: Keep your hands down, Sir.

Convict: Don't bother me, I'm no soldier.

Magistrate: Your conduct, Sir, in your service, has been most improper. You are sentenced to three months hard labour on the roads. Your conduct in this office has been most insolent; and I have a great mind to order you three months in chains.

Convict: No, you won't, not you, you are not an English magistrate.

Magistrate: Remove that man.

Convict: I'm going. I shall remove myself.

The convict was later punished for his insolence in court.¹⁰⁵ Another expression of contempt for official authority was a refusal to respond positively to requests from police for assistance. Convicts who refused such requests paid dearly for their impertinence. In May 1847 Phillip Sampson, a probationary pass holder, was charged with endeavouring 'to prevent the district constable from apprehending a man by giving him a false statement'. Sampson was sentenced by the Deloraine court to one month on the treadmill. In October 1850 the Deloraine district constable was struggling to subdue John Kelly, a ticket-of-leave holder, who was subsequently charged with fighting and drunkenness. The constable sought the assistance of Samuel Russel and John Shakespeare, both ticket-of-leave holders. Both allegedly refused to assist and were subsequently charged with misconduct. Russel received one month and Shakespeare 14 days, both on the treadmill.¹⁰⁶

Compensatory retribution often took the form of destruction of property. Arson was a common practice before 1860 and was still 'rather prevalent', although 'less frequent' in 1866. Standing grain crops, hay stacks and sheds were usual targets. Detection of offenders, presumed to be 'old

hands', was very difficult, no doubt imbuing offenders with a sense of power. Retribution was often in response to a refusal by a landholder to provide food to a wandering tramp. Refusal to provide 'tucker' often resulted in fences or barns going up in smoke,¹⁰⁷ suggesting perpetrators were prepared to take drastic action to receive what they considered their due. In return for being available for agricultural work when needed, it seems, travelling emancipists expected to be fed when work was scarce. Violation of this expectation and the subsequent sense of injury to which Atkinson referred (above) induced retribution.

Several observers complained of worker indolence. Probationers at Westbury worked far fewer hours than prescribed and did much less work than expected.¹⁰⁸ Jones complained that much time was wasted at Deloraine in the preparation of logs for bridge building and road building.¹⁰⁹ William Archer claimed the probationers building his deadwood fence took double the time taken by free contractors to do the same amount of work.¹¹⁰ Well after transportation had ended, the perception persisted that convicts had been lazy and beholden to corrupt officials. A *Mercury* correspondent thought the hard labour performed by convicts was 'a farce'. Their hardest work was 'cutting tobacco for those placed over them, or shaking the ashes out of their pipes'.¹¹¹ James C. Scott suggests that apparent laziness or indolence of subordinate groups such as Negro slaves may well have been experienced by subordinates as a form of tactical manipulation. Slaves reinforcing their masters' 'stereotyped view of them as shiftless and unproductive may well have thereby lowered the work norms expected of them'.¹¹² It seems reasonable to infer that probationers in Van Diemen's Land similarly exploited stereotypical views of themselves as lazy.

Perceptions of emancipist indolence encouraged some colonists to hatch schemes designed to improve the quality of farm labourers. The government statistician, for example, claimed in 1866 that the 'amelioration of the moral and intellectual condition of farm servants' would improve agricultural profitability. Employers had the primary responsibility for such amelioration, which should comprise the provision of 'decent and comfortable dwellings', the encouragement of 'sobriety and thrift', and appropriate 'means of instruction and innocent recreation'. Such measures would attach farm labourers more closely to the soil and make them better, more self-respecting workers. The establishment of working mens' clubs would facilitate



'Old Identities' at Carrick, late nineteenth century. The term 'old' usually referred to former convicts. The woman appears to be a domestic servant.



Post-emancipist serenity: Hadsen in 1901

achievement of the stated ends, as would prizes offered by employers to employees 'for neatness and cleanliness in their homes'.¹¹³

The statistician's vision of a sober, thrifty and self-respecting farm labouring class was not shared by many farm labourers, especially 'old hands'. Many 'old hands', and some new ones, aggravated observers by practising a behavioural and work ethic abhorrent to members of 'civil' society. Chronic labour shortages in the early decades of the post-transportation period were exploited by many itinerant workers prepared to assert their economic independence. Carrying the customary swag and greeting everyone they met with g'day, these itinerants

made a great point of picking and choosing employment. Tasmanian girls seeking employment had the same attitude, adopting an egalitarian approach which led them to behave like Joan of Arc dictating the terms of capitulation to a conquered foe.¹¹⁴

Potential immigrants were advised by one observer when engaging contractors that clearing, root grubbing and burning should be included in the one contract. Contractors were in the habit of leaving much felled timber on or just under the surface, necessitating considerable root grubbing and subsequent burning before planting could occur. This type of contract 'cannot always be arranged, as the laborers and splitters of Tasmania are given to roaming about the countryside, taking a job here and there when it suits them to work'.¹¹⁵

In addition to their irregular work habits, 'old hands' were known for their frequent bouts of heavy drinking. A coach travelling from Launceston to Deloraine in February 1855 'was overcrowded by a very rough set of customers[,] reapers who were going inland to get in the crops'. Some 'were half-drunk and some more than half gone and yet at every "publick" which we drew up more liquor was called for'.¹¹⁶ A sly-grog shop some ten miles inland from Westbury run by 'a most notorious grog seller' called Edward Meehan caused much consternation for local police. The grog shop, which operated from 1845 until at least 1860, was a harbour for 'bad characters', including absconders and cattle thieves.¹¹⁷ Old hands sometimes worked for a spell, realised a cheque, then proceeded to a neighbouring town to 'knock it down'. The common practice was to move into the pub, give the cheque to the landlord and remain there drinking until the cheque was spent. Some went to Launceston for a 'rig out' which was often later sold or pawned for a third of its original cost 'for the means of continuing their carouse'. Most returned

to their lodgings 'with only the old shirt and pants they started in'. Many spent 75% of their earnings in this manner. Some new-comers fell into these habits, although the slow death of the old hands offered hope for a more 'prudent future'. Those responsible for this state of affairs included 'unprincipled' publicans who swindled workers in drunken fits, workers with their fatal passion for the drink, and the government for licensing public houses.¹¹⁸ Not all observers took such a disparaging attitude to old hands. Edward Braddon, for example, respected their capacity for work. Braddon believed that while old hands generally had a bad name they did the best work, despite their oscillations between hard work and hard drinking.¹¹⁹ While heavy drinking and assertions of economic independence were apparently common, at least one old hand late in the century carried on the tradition of contempt for official authority. In 1888 James Logan, alias Derwent Nugget, appeared before W.H.D. Archer and G.H. Arthur at the Longford court, charged with using obscene language in a public place and with riotous conduct in the watch-house. Logan was found guilty on both charges and sentenced to 21 days imprisonment. Upon receiving his sentence, Logan, 'who seemed to be a very hardened old offender', informed the bench 'they could stick it on and give him six months if they liked'.¹²⁰

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In 1868 an old army barracks in the heart of Launceston was renovated by prison gangs and the Invalid Depot opened for business. Men were kept in the depot itself; women were kept separately, in a section of the old jail.¹²¹ Since outdoor relief was usually denied to ageing emancipists, many Central North old hands had little option but admission to the Invalid Depot.¹²² Most were beyond 60 years of age, had worked on farms or as domestic servants for years, and were no longer able to work; they were not ill, but 'incapacitated from labour through old age or some debilitating infirmity'. Very few were capable of any work beyond sweeping floors, weeding the depot vegetable garden, which was established by conventional prison labour, and keeping the yards clean.¹²³ The Vandemonian spirit was alive and well in the Invalid Depot's early years. Inmates left and returned at will, and drunkenness, fighting, abusive language and petty theft were common.¹²⁴ In 1872 the Attorney-general introduced a bill to manage and restrain persons in receipt of public charity. The freedom to come and go at will was removed and all men in the institution were required to work while unless exempted by a doctor.¹²⁵ The depot was thus transformed from a place

of convenient refuge for old hands into a prison. Not surprisingly, Invalid Depot annual reports in the mid-1870s noted that in most cases the mens' conduct was 'satisfactory' and even 'good'.¹²⁶

As the century wore on, attitudes towards emancipists remained ambiguous. A Royal Commission in 1888 noted that during their convict days most old hands had been 'treated in such a manner as to unfit them, when given their freedom, to provide for their declining years'.¹²⁷ On the other hand, one Deloraine observer, bemused by a quiet Christmas in 1891, remembered Christmas in the fifties 'when returned diggers from Victoria, sawyers, and potato growers, vied with each other in the reckless spending of money that would have kept them from the Depot in their old days'.¹²⁸ Formal power relations inside the depot were very one-sided. Discipline was strict, drinking, gambling and profane language were prohibited, staff had considerable punitive powers, and inmates no substantial right to complain about conditions or ill-treatment.¹²⁹ Disempowerment was matched by deplorable conditions. In 1892 the *Launceston Daily Telegraph*, which for years had been urging an improved diet for inmates, deplored the government's refusal to provide milk or even adequate sugar for the 'poor old fellows' tea. The evening meal regularly consisted of a hunk of dry bread, black tea and 'an infinitesimal portion of sugar...What a meal for these poor old wrecks of humanity, the majority of whom, toothless and senile, are tottering on the very verge of the grave'.¹³⁰ One depot visitor, W.C. Wilson described the latrine accommodation as 'a disgrace'. The excreta of 150 inmates was buried daily in a shallow trench close to the buildings in 'open violation' of the Health Act. Sewage was discharged into the South Esk River along an open ditch five chains long. At high tide the sewage banked up in the ditch and overflowed onto the adjoining land, where solid matter was exposed to the sun. No recreation grounds were provided for inmates, and men and women were virtual prisoners with nothing to look at but 'coal-tarred and white-washed walls'. Wilson called the asylum the 'plague spot of our beautiful city' and thought it a mockery that Christians would condemn fellow-humans to this 'place of earthly torment'.¹³¹

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For many emancipists, the common experience was a movement through four distinct stages. Initial incarceration in British prisons and dockside hulks was followed by long, hard years of forced labour as assignees or in probation gangs. When a ticket-of-leave was granted,

itinerancy as agricultural labourers was the lot of many, and in the final decades of the century, incarceration in the invalid depots was a final humiliation. The willingness of colonial society to exploit and marginalise this itinerant class of farm labourers who spent much of each year unemployed had much to do with a low opinion of emancipists. Emancipists, or 'bad characters', as they were commonly known, were considered to be possessed of an inherent criminality. Emancipists represented everything bad about human nature, the evil within civil society which had to be continuously marginalised. They were, however, useful as farm laborers and many made long-standing contributions, which have been grossly undervalued, for the benefit of others.

Through the period, many emancipists maintained a tradition of resistance to attempts to enforce rigid controls on their lives. The organisational settings experienced by probationers and apparent corruption among some station authorities facilitated a group consciousness which was expressed as organised insubordination and slow work habits. As itinerant farm labourers, emancipists lacked the organisational setting of the probation station and hence the capacity for regular group contact, except at harvest time. The sense of group consciousness derived from a shared identity as emancipists and from group contact at harvest time was diluted by regular wandering, but many did find common ways in which to express a group consciousness. The practice of taking work when it suited them, arguing for advantageous working conditions, and engaging in wild drinking sprees replaced organised insubordination and a slack attitude to work as common patterns of protest against the power of property in the second half of the century.

Notes

¹ James Syme, *Nine Years in Van Diemen's Land*, Dundee: James Syme, 1848 Syme spent five years working in the VDL Convict Department, most of that time in Deloraine and Westbury.

² Fahey, Charles, 'Abusing the horses and exploiting the labourer: the Victorian agricultural and pastoral labourer 1871-1911', *Labour History*, no 65, November 1993, p97

³ Henry Reynolds, "'That Hated Stain': the aftermath of transportation in Tasmania", *Historical Studies*, Vol 14/53, pp 19-31

⁴ Ian Brand, (ed by Michael Sprod), *The Convict Probation System: Van Diemen's Land 1839-54*, Hobart: Blubber Head Press, 1990; Morgan, *Land Settlement*, pp 6-7

⁵ *Daily Telegraph*, 7 October 1893; Robson, *History of Tasmania*, vol 1, pp 147-50; for a discussion of the assignment system in Tasmania see Anne McKay, *The Assignment System of Convict Labour in Van Diemen's Land 1824-32*, MA thesis, Hobart: University of Tasmania, 1958

- ⁶ Robson, *History of Tasmania*, vol 1, pp 387-90
- ⁷ Davidson, A.P., *An Analytical and Comparative History of Master and Servant Legislation in Tasmania*, MLLs thesis, Hobart: University of Tasmania, 1975, pp 81-3
- ⁸ Brand, *The Convict Probation System*, p224
- ⁹ Syme, *Nine Years in Van Diemen's Land*, p202
- ¹⁰ *Daily Telegraph*, 13 January 1894
- ¹¹ Fysh, *Henry Reed*, p96
- ¹² *William Archer Diaries*, 18 August 1847, University of Tasmania Archives
- ¹³ Syme, *Nine Years in Van Diemen's Land*, p202
- ¹⁴ Convict Department Records, AOT CON 1/1, 167; AOT CON 1/19, 2026
- ¹⁵ Davidson, *History of Master and Servant Legislation*, pp 81-3.
- ¹⁶ Syme, *Nine Years in Van Diemen's Land*, p207
- ¹⁷ Convict and emancipist resistance to official authority is discussed below.
- ¹⁸ Syme, *Nine Years in Van Diemen's Land*, p202; CON 1/1, 167; CON 1/19, 2026
- ¹⁹ Davidson, *History of Master and Servant Legislation*, p121: Sprod, *Whitehead Letters*, pp 129-30; *The Colonist*, 18 February 1888
- ²⁰ Official statistics in subsequent years used recording methods which do not allow an expansion of Table 9.1 beyond 1870
- ²¹ Report of the Select Committee on the Port Arthur Tickets-of-leave, *HAI* no98 1861; Numerical list of all persons who have received indulgences from the Crown since May 1860; with their police characters, *LCJ* no43 1861
- ²² Agricultural Returns, *ST*, 1868-1880
- ²³ Reynolds, 'Hated Stain', p19; Invalid Depot Annual Reports, *LCJ* 1868-1895
- ²⁴ Irving in Crowley, *A New History of Australia*, p153
- ²⁵ Population Statistics, *ST*, 1889
- ²⁶ Petitions from the Central North in opposition to proposals to liberalise Master and Servant legislation suggest emancipists were concentrated in the colony's agricultural districts. See *LCJ*, nos 14, 20, 28, 1857
- ²⁷ See Ch10, Table 10.3
- ²⁸ Recent Settler, *Emigration to Tasmania*, pp 7, 89
- ²⁹ Fahey, 'Abusing the horses...', p112
- ³⁰ Calculated from *Statistics of Tasmania*, 1869, 1879, 1888 & 1898
- ³¹ Valuation Rolls, *ST*, 1858, 1881, 1901
- ³² *Examiner*, 28 April 1888
- ³³ Wage Returns, *ST*, 1860, 1900
- ³⁴ *Mercury*, 21 September 1912
- ³⁵ Petition from Deloraine landholders opposed to liberalisation of Master and Servant Legislation, *LCJ* no20 1857. The only evidence I found of trucking was a letter to the *Mercury* in August 1874 claiming the practice was common throughout Tasmania. The system, which in England was 'an engine of extortion and of oppression of no ordinary power', was applied to Main Line Railway workers. See *Mercury*, 19 August 1874; *Cornwall Chronicle*, 19 August 1874.
- Late in the century at least three bills seeking to abolish the practice of attaching wages were rejected by the Legislative Council. When rigidly enforced the practice caused great hardship. In response, 'a large amount of opposition has been raised in this colony'. The rejected bills had sought total abolition of the practice, but an 1898 bill sought to abolish attachment where wages were less than two pounds per week. The Attorney-general, who introduced the 1898 bill, argued that in at least one case a garnishee order had led to dismissal, and that abolition would put workers in a similar position as better-off debtors and enable them to go on supporting their families while paying off debts in instalments determined by a court. Trades people all over the colony objected to abolition because dishonest customers would run into debt if the deterrent of a garnishee order did not exist. One objection to the bill was that the two pounds wages requirement discriminated against low wage earners, especially in the period between commencing work and the first pay day. Others thought the limit 'would not perhaps at all be a bad thing' because it would prevent people getting into debt beyond their ability to pay. Others believed the abolition of the credit system would encourage thrift and reduce the level of bad debts, and that if a man had a reputation for honesty and integrity he would get credit anyway. While some workers were no doubt exploited under the attachment system, the evidence suggests many low wage earners, especially Chronic debtors, used the attachment system to gain credit. In those circumstances, it seems unlikely a two pound limit would prevent an informal occurrence of the practice. See *Daily Telegraph*, 5 October 1898
- ³⁶ Petition...opposed to liberalisation of Master and Servant Legislation. *LCJ* no20 1857

- ³⁷ *Examiner*, 13 January 1847
- ³⁸ Chief Inspector's Municipal Police Report, *LCJ* no25 1869; Report of the Royal Commission on Charitable Institutions, *LCJ* no 47 1871, in Shayne Breen, 'Outdoor poor relief in Launceston 1860-80', *P&P*, THRA, 38/1, March, 1991, p45
- ³⁹ In Victoria in the 1860s and 70s agricultural labourers camped on the outskirts of country towns prior to harvest but for most of the year moved about the country in small groups. Something similar probably occurred in Tasmania. Labourers in Victoria also sometimes tried to force up the price of labour, although the introduction of machinery reduced their bargaining power. See Fahey, 'Abusing the horses...', pp 108-12.
- ⁴⁰ Michael Roe, *Quest for Authority in Eastern Australia, 1835-51*, Melbourne: Melbourne University Press, 1965, pp 200-1
- ⁴¹ *Examiner*, 5 May 1847
- ⁴² Sprod, *Whitehead Letters*, p112
- ⁴³ *Mercury*, 18 July 1872
- ⁴⁴ *Mercury*, 27 July 1872
- ⁴⁵ Breen, 'Outdoor Relief', p45
- ⁴⁶ Deloraine Felony Records, POL 126/1, AOT; Return of prisoners attached to a memorial from the justices, Launceston, to the Governor concerning the 'Disposal of prisoners convicted of offences in municipalities', *LCJ* no47 1868. Working class offences away from the work-place are discussed in Ch10
- ⁴⁷ Deloraine Police Charge Books, POL 125/1-4, AOT
- ⁴⁸ See Dallas, *Horse Power*, pp 13-16
- ⁴⁹ Fahey, 'Abusing the horses...', pp 105-107; K.M. Dallas, *Horse Power*, pp 10-12, 18-19
- ⁵⁰ *Illustrated Tasmanian News*, December 1874 and January 1875
- ⁵¹ Westbury Agricultural Returns, *ST*, 1877 & 1879
- ⁵² Sprod, *Whitehead Letters*, pp 112, 188
- ⁵³ Longford Agricultural Returns, *ST*, 1880
- ⁵⁴ Deloraine Agricultural Returns, *ST*, 1882
- ⁵⁵ *Colonist*, 21 January 1888
- ⁵⁶ Davidson, *History of Master and Servant Legislation*, pp 51-6, 86-8, 195-6
- ⁵⁷ Davidson, *History of Master and Servant Legislation*, pp 138-9
- ⁵⁸ Davidson, *History of Master and Servant Legislation*, pp 120, 124-6
- ⁵⁹ Davidson, *History of Master and Servant Legislation*, pp 126-7
- ⁶⁰ Davidson, *History of Master and Servant Legislation*, pp 131-2
- ⁶¹ Davidson, *History of Master and Servant Legislation*, pp 136-7
- ⁶² Davidson, *History of Master and Servant Legislation*, pp 142-3
- ⁶³ Davidson, *History of Master and Servant Legislation*, pp 128-30
- ⁶⁴ Davidson, *History of Master and Servant Legislation*, pp 131-2
- ⁶⁵ Davidson, *History of Master and Servant Legislation*, pp 170-3
- ⁶⁶ Davidson, *History of Master and Servant Legislation*, pp 152-62, 174, 180; An Act to amend the Law relating to Masters, Servants, and Apprentices, 1856, 19Vic/28
- ⁶⁷ Davidson, *History of Master and Servant Legislation*, pp 180-94
- ⁶⁸ Davidson, *History of Master and Servant Legislation*, pp 180-94
- ⁶⁹ Governor's Speech opening the Parliament, *HAI* no1 1857
- ⁷⁰ Master and Servant petitions, *LCJ*, nos 14, 24, 28 1857
- ⁷¹ Alan Atkinson, 'Four patterns of convict protest', *Labour History*, no37, 1979, pp 32-3
- ⁷² Master and Servant petitions, *LCJ* no20 1857
- ⁷³ Master and Servant petitions, *LCJ* no28 1857
- ⁷⁴ Master and Servant petitions, *LCJ* no27 1857
- ⁷⁵ Master and Servant petitions, *LCJ* no14 1857
- ⁷⁶ William Orledge among them, see Ch7
- ⁷⁷ Master and Servant petitions, *LCJ* no14 1857
- ⁷⁸ Reynolds, 'Tasmanian Gentry', p65
- ⁷⁹ Davidson, *History of Master and Servant Legislation*, pp 128-30
- ⁸⁰ For a discussion of several of these issues in relation to convict workers in New South Wales from 1810-30, see Paula J. Byrne, *Criminal Law and Colonial Subject: New South Wales 1810-30*, Cambridge: Cambridge University Press, 1993, Ch2
- ⁸¹ Reynolds, 'Hated Stain', p28
- ⁸² Deloraine Police Charge Books, AOT, POL 125 1-4, 1860, 1870, 1880, 1890, 1896; Disposal of prisoners, *LCJ* no47 1868
- ⁸³ Atkinson, 'Convict protest', pp 34-5
- ⁸⁴ Deloraine Lower Court Records, AOT, LC 114/1, 1846-50
- ⁸⁵ Deloraine Lower Court Records, 1846-50
- ⁸⁶ See Ch10

- ⁸⁷ POL 125/1, 1860
- ⁸⁸ Return of disposal of prisoners, *LCJ* no47 1868
- ⁸⁹ Deloraine Police Charge Books POL 125/2, 1870 & 1880
- ⁹⁰ Deloraine Lower Court Records, LC 114/3, 1896-97
- ⁹¹ Petition for reform of the Master and Servant Act, *LCJ* no70 1881
- ⁹² *Mercury*, 24 August, 1882; An Act to amend "The Master and Servant Act, 1856", 1882, 46Vic/18; An Act to further amend "The Master and Servant Act, 1856", 1884, 48Vic/36
- ⁹³ Davidson, *History of Master and Servant Legislation*, p203, p210
- ⁹⁴ *Daily Telegraph*, 27 July 1892
- ⁹⁵ Davidson, *History of Master and Servant Legislation*, pp 205-6
- ⁹⁶ Alex Castles, 'The Vandemonian spirit and the law', *P&P*, THRA, vol 38/3 & 4, December 1991, p106; see also Byrne, *Criminal Law and Colonial Subject*, ch2
- ⁹⁷ James Boyce, 'Journeying Home', pp 42-45, 49-50
- ⁹⁸ Atkinson, 'Convict protest', pp 28-29
- ⁹⁹ *Daily Telegraph*, 7 October 1893
- ¹⁰⁰ *Examiner*, 8 October 1845
- ¹⁰¹ Syme, *Nine Years in Van Diemen's Land*, p208
- ¹⁰² *Examiner*, 8 October 1845
- ¹⁰³ Syme, *Nine Years in Van Diemen's Land*, p208
- ¹⁰⁴ Convict Department Records, CON 1/19, 2026
- ¹⁰⁵ *Examiner*, 5 May 1847
- ¹⁰⁶ Deloraine Lower Court records, LC 114/1, 1846-50; for a discussion of treadmill use in Tasmania see Davidson, *History of Master and Servant Legislation*, pp 78-80
- ¹⁰⁷ Robson, *History of Tasmania*, vol 2, p100
- ¹⁰⁸ Syme, *Nine Years in Van Diemen's Land*, pp 226-30
- ¹⁰⁹ Convict department Records, CON 1/19, 2026
- ¹¹⁰ William Archer Diaries, 10 August 1847
- ¹¹¹ *Mercury*, 18 July 1872
- ¹¹² James C Scott, *Domination and the Arts of Resistance: hidden transcripts*, New Haven: Yale University Press, 1990, p34
- ¹¹³ Government Statistician's Report, *ST*, 1866
- ¹¹⁴ Robson, *History of Tasmania*, vol 2, pp 99-100
- ¹¹⁵ Recent Settler, *Emigration to Tasmania*, pp 72-3
- ¹¹⁶ Ducker, *The Contented Botanist*, p189
- ¹¹⁷ Correspondence concerning district police matters, hospitals and Charitable institutions 1859-68, CSD 25, POL 665/1, AOT, 4 January 1859 and 11 June 1860
- ¹¹⁸ Recent Settler, *Emigration to Tasmania*, pp 4, 63-4, 72-3
- ¹¹⁹ Robson, *History of Tasmania*, vol 2, pp 99-100
- ¹²⁰ *Colonist*, 28 January 1888
- ¹²¹ Launceston Invalid Depot Annual Reports, *LCJ* no5 1869; no4 1870; no8 1875: Brown, *Poverty is not a crime*, Hobart: THRA, 1972, p122
- ¹²² Launceston Benevolent Society Record Book, 1868-78, AOT; Invalid Depot Annual Reports, *LCJ* 1868-1895; John Hargraves, *A pauper establishment is not a jail: old crawlers in Tasmania 1856-95*, Master of Humanities Thesis (History), Hobart: University of Tasmania, 1993, p61
- ¹²³ Annual Reports, Launceston Invalid Depot, 1869 and 1870; Royal Commission into Charitable Institutions, *LCJ* no50 1888-89
- ¹²⁴ Brown, *Poverty is not a crime*, p123
- ¹²⁵ *Mercury*, 18 July 1872
- ¹²⁶ Annual Reports, Launceston Invalid Depot, *LCJ* no8 1875, no8 1876
- ¹²⁷ Royal Commission into Charitable Institutions, *LCJ* no50 1888-89
- ¹²⁸ *Colonist*, 3 January 1891
- ¹²⁹ Hargraves, *A pauper establishment*, pp 51-60
- ¹³⁰ *Daily Telegraph*, 9 September 1892
- ¹³¹ *Daily Telegraph*, 28 July 1898

Chapter 10

POLICING COUNTRY TOWNS

magistrates, police & errant emancipists

for the security of the place¹

To this point in the thesis, the physical place most commonly encountered is the Central North's countryside. In this final chapter the focus shifts to the region's major country towns. The regions' large numbers of itinerant emancipists (see Ch9) regularly patronised the various country towns, and in particular local hotels. To regulate emancipist behaviour, the colonial parliament passed the 1858 Rural Municipalities Act², which allowed for the establishment of the English system of local authority. In terms of the major thesis themes, the rural municipalities were dominated by large landowners who used the power of local authority to formally police emancipist behaviour in the regions' country towns. The defining powers of local authority were the powers to manage locally-appointed police forces, administer the Licensing Act, and preside over proceedings in local police courts. These powers effectively rendered municipal councillors local custodians of social law and ensured the perceived integrity of local self-government. The councils used their legal powers to manage country towns as places of good order; emancipists were by far the most common offenders, and offences of particular concern were public drinking, disturbing the peace and vagrancy. In the final years of the century, the focus of social policing law changed from good order to public welfare, councils used their powers to manage the emergence of spectator recreation, and police management was returned to the state. The chapter, which focuses on Deloraine as a case study, examines local court and police records as well as attitudes and legislation which governed the use of public places in the Central North and elsewhere in Tasmania in the second half of the nineteenth century.

Self-reliance & political power

The establishment of rural municipalities with local policing powers was closely linked to four factors. First, country towns had grown in size and importance during the 1850s. Growth was encouraged by the completion of convict-built roads, the need to service growing hinterlands, and the economic

boom occasioned by the Victorian gold rush.³ Second, the end of transportation gradually let loose thousands of convicts, many of whom regularly patronised the townships' many hotels. The liberation of the convicts, which established an urgent need to provide some form of policing so that 'good order'⁴ might be maintained, coincided with the desire to demobilise the centralised force which George Arthur had established in the 1820s. The centralised force was staffed by former convicts and much hated by free colonists.⁵ Third, the push for local self-government, which came from several quarters, reflected the desire to replicate the English system of local self-government in the newly self-governing colony. This desire arose partly from perceptions about self-reliance and individual liberty which characterised the English ideology of local self-government,⁶ and partly from opposition to the idea of being governed from Hobart. The 1857 Public Service Royal Commission supported the decentralisation of police because it believed it would do the people good to rely on themselves rather than the central government in matters affecting their own interest.⁷ Echoing the Royal Commission's recommendations, the Governor linked self-reliance and municipal police when he addressed the opening of the 1857 parliament.⁸ The fourth factor was the domination of colonial parliament by representatives of landed elites, enabling the elites to pass laws in their interest.⁹

By 1860, of the four Central North districts, only Evandale had petitioned for municipal government. Concerned by this tardiness, the *Launceston Examiner* in 1860 began a push for reluctant landowners in other districts to lodge petitions. The *Examiner* argued that self-government was the 'order of the day' and no arrangement would be satisfactory 'until the people take upon them local responsibilities, and the sooner they do so the better for themselves'.¹⁰ The paper lamented the 'apathy and indifference' of districts which had yet to petition for self-government. 'What folly and infatuation prevents Westbury, Deloraine, Longford, Campbelltown and other places from taking the management of their own affairs into their own hands?'¹¹ Enthusiasm for local self-government was tempered by concerns that municipal government would result in increased costs locally. On the other hand, parliamentary promoters of local government expected local governments would relieve the central government of some of its financial burden. An attempt by the colonial government to introduce a carriage tax in

the early 1860s helped convince reluctant elites that local government might in fact be cheaper.¹² By 1864 the Central North had four municipal councils.¹³

Municipal councils had executive, legislative and policing powers. As executives, they prepared valuation rolls, which assessed all local properties for rating purposes; they set local wages; and membership of local school Boards of Advice and local Health Boards were drawn from the councils. Councils had the power to devise bye-laws for local use and from time to time these powers were implemented, especially for the purpose of regulating and policing public streets and recreational spaces. Municipal bye-laws were subject to approval from the colonial Attorney-general.¹⁴ This approval procedure represented a check on local power and achieved uniformity, at least of legal principle, across the colony; and it symbolised the wider attempt to achieve a workable balance of central-local powers. The major defining power of municipal councils, however, was its power to secure public order. This involved transferring responsibility for criminal jurisdiction to the Supreme Court, and the establishment of local courts of General Sessions of the Peace with a chair, normally the warden, elected by local councillors.¹⁵ The new local courts appointed and managed their own police forces, regulated and policed the use of public places, and administered the Licensing Act. As were English constables,¹⁶ Tasmanian police were subject to the direction of local magistrates and justices. The ability of local magistrates to direct constables meant that policing and court functions were sometimes blurred, a blurring which threatened the rule of law and certainly contributed to the centralisation of police management late in the nineteenth century.¹⁷

Due to a limited franchise which restricted voting to less than one third of adult males, rural councils were dominated by larger landholders. A 50 pound property qualification operated on council membership, as did a 15 pound voting qualification. Multiple voting provisions also applied, giving larger landholders more votes than their smaller counterparts.¹⁸ Evandale and Longford councils were dominated by woolgrowing elites; in Westbury and Deloraine council membership was a touch more widely spread, but most members had significant landholdings. Each of the Central North councils had what can be called dominant personalities. George Gibson, William Dodery and W.H.D. Archer dominated the wardenship in Longford. Archer was warden from 1881 until the end of the century as well as an MLC through much of that period. A. Youl, James Cox and J.B. Gibson were prominent Evandale wardens. John Hart, Denis Rock, James Lovejoy and

James Griffen were prominent in Deloraine. R.H. Douglas and J.P. Jones shared the wardenship in Westbury during the 1860s and 1870s, and prosperous tenant Daniel Burke was warden from about 1880 for 42 years.¹⁹ Landed elites thus controlled the legislatures and executive government at both local and colonial levels.

The dominance of landed elites over municipal institutions was challenged at the local level. In 1874, the year following the 'Western War' over the railway rate, 87 Deloraine 'ratepayers and inhabitants' petitioned the government. The petitioners noted they had initially hailed municipal institutions as a means of more effectively managing their local interests; but they also feared the measure would prove 'unequal and unjust' because the powers conferred on different classes of ratepayers would enable the wealthy to dominate the poorer and more numerous. Those fears had been realised. The petitioners claimed it was 'well-known' in every municipality that only 10 or 12 ratepayers could combine together with their 10 votes each, 'together with the influence naturally attendant on their social positions', and rule their municipalities 'at will...to the absolute exclusion from all share of power (if they so wish it) of the general body of their fellow citizens'. The petitioners had long felt 'the evils consequent on the law as it stands'. They felt 'powerless' to oppose because the wealthy were 'only too certain to prevail'. The petitioners, feeling many of the disempowered were 'rapidly lapsing into a condition of indifference, and a healthy state of public spirit is plainly becoming extinct among them', called on the parliament to reform the municipal franchise. Every ratepayer of six months standing should have a vote and no one elector should have more than five votes. This arrangement would 'afford ample security to the rights of property' while proving 'eminently conducive to the promotion of a proper and active interest in local and public subjects of general value and importance'.²⁰ In 1882 a copy of the 1874 petition was signed by 66 Longford residents and sent to the government. An 1882 amendment to the Rural Municipalities Act limited to seven the number of votes which could be cast from any one property, despite Deloraine landlord and MLC Gamaliel Butler's objection the move would initiate 'a struggle between democracy and property'. Butler thought it 'altogether erroneous to take away the power from property' because property contributed most of the colony's taxation revenue. Edward Braddon responded that although the proposed amendment was not democratic in its tendency, it did 'to a considerable extent remedy that evil which arose from

the feeling of many people that there was class legislation, and that the poorer classes were disenfranchised of their representative rights'.²¹ Further petitions followed in 1884, and gradually the system was reformed.²²

The establishment of rural municipalities helped consolidate development of the region's major country towns, Deloraine, Westbury, Longford and Evandale, as sites of social and political power. In time, the towns and the municipal councillors, most of whom were farmers, replaced the tenanted estate and the landlord in social and political importance. Those country towns, such as Deloraine and Carrick, which were established by local landlords,²³ were absorbed into the municipal system. Many landlords, including Thomas Reibey, William Archer and Richard Dry assumed political power at either the local or colonial level, and sometimes both. Formal self-government thus transformed some local squires into politicians, most of whom, although not all, espoused the sanctity of local self-government.

Municipal police & 'the regulation of social life'

As the late eighteenth century social reform movement in England gathered pace, the notion of a new police emerged. New police would bring order through the certainty of apprehension in criminal cases, and 'by extending the regulation of social life'.²⁴ Initially the new police targeted pubs, footracing and cock fighting, activities which were previously unpoliced.²⁵ The regulation of social life would promote the well-being of the whole population; police were given a wide range of functions in order to enhance the general welfare of society, but were expected to use their considerable powers 'with appropriate discretion and sensitivity to context'. At the same time, social protest and dissent in England and Ireland in the early eighteenth century prompted the extension of new police activities to the maintenance of public order.²⁶ Following the English model, the historical function of the new police in Australia has been twofold: the control of crime through prevention and detection, and the keeping of public order. Each aim complemented the other. Keeping public order required surveillance, which limited the risk of more serious crime.²⁷ This approach was applied in Tasmania's rural municipalities, including those in the Central North. Central North wardens identified the purpose of the law as 'the maintenance of order and the prevention and detection of crime'.²⁸ Local court and police records

show that activities seeking social order, primarily in the major country towns, were far more common than the prevention and detection of crime.

Police in colonial Australia drew on two generic sources for their social order policing powers: English vagrancy statutes and police offences statutes.²⁹ These sources were given expression in Tasmania by the 1865 Police Government Act.³⁰ The Act applied across the colony, and can be seen as an attempt to standardise the practice of local police forces and courts. If the ordering of police powers in the Act is any guide to perceptions of the major work of police, the apprehension of drunks, the suppression of vagrants, beggars and prostitutes, the observance of the Lord's day, and the prevention of bathing at certain places were the major public order concerns. These concerns suggest the maintenance of social order had a distinctive moral edge, and Tasmanian police a clear role as custodians of moral standards.³¹ Powers related to the registration of dogs, and policing the operations of stage coaches, carts, common lodging houses and places of public entertainment also appeared in the Act. Various activities were outlawed on the Lord's Day, including shop trading, the discharge of firearms within three miles of any town, the opening of billiard rooms, gambling and the playing of any game in public.³²

Amendments to the Police Act in 1879 sought to strengthen police powers in relation to vagrancy. Vagrants were comprehensively defined as idle and disorderly persons. Persons charged with wandering abroad, begging, prostitution, indecent exposure, intent to commit a felony, transvestitism, and betting 'in any open place to which the public have or are permitted to have access' were liable to detention without warrant at the pleasure of local justices and a penalty not exceeding six months imprisonment. Open or public places were variously defined as the open air, street, road, highway, quay, wharf, and river or navigable stream, barn, outhouse, shed, any deserted or unoccupied building, hut, temporary dwelling, dwelling-house, or enclosed yard or garden.³³ Although Hobart and Launceston, where larrikin activity soared in the 1870s,³⁴ may have been the targets of the colonial legislators in 1879, the Deloraine council was not about to be left out of this process of criminalising the working class occupation of the town's public places.

In February 1879, partly in response to a perceived need 'to restrain persons from congregating on the bridge & c', the Deloraine council appointed councillors Hart, Henry and Shorey 'to prepare such Bye Laws as

they deem necessary'.³⁵ At a meeting on 7 July 1879, the council suspended standing orders and went into committee to consider and pass several by-laws designed to enhance 'the order and good government of the Municipality of Deloraine'.³⁶ By-law no 36 made it unlawful in the towns of Deloraine, Chudleigh, Alveston and Elizabeth Town

for any person to sit or lie down upon the footways in any street, or on the doorsteps, window-sills, or other projections of the part of any house in the said towns, fronting on a footway of which house such person or persons is or are not the occupant or occupants, or for three or more persons to stand together in any street or upon any footway to the annoyance or obstruction of the residents or passers-by

Any 'resident, constable, or peace officer' could require such persons to move on. Moving people on was a common policing practice in England. The practice, which was used to break up gatherings of men on streets and in front of pubs, was considered 'novel and humiliating', and an attack on 'the traditional freedom of assembly in the streets'.³⁷ If convicted, offenders in Deloraine were liable to a penalty not exceeding five pounds. By-law 37 described similar offences relative to any 'fence, rail, wall, pier, or parapet attached to any bridge' and set a maximum fine of 40 shillings. By-law 38 made it unlawful 'for any person to appear at night time in any street in any town within the Rural Municipality of Deloraine with face blackened or otherwise disguised to the annoyance of the residents there or passers-by'; the maximum penalty for any such offence was five pounds. No direct evidence exists that charges were brought under these bye-laws, although the practice of moving on was employed earlier in the period. In December 1849, for example, ticket-of-leave holder Thomas Ford, and in the service of George Williams, was charged with misconduct because he did not leave the township when ordered by the district constable. Ford pleaded guilty and was sentenced to three days solitary confinement. In late December 1850, James Lewis, ticket-of-leave, received one week's solitary confinement for being in the town contrary to the order of police.³⁸

In the early 1860s, the Central North had 28 police employees. Longford and Westbury each had eight, Evandale seven and Deloraine five. Each district had a superintendent, located in the major towns, one or two officers of lesser rank, and the remainder, 18 in total, were constables. The majority of local police were concentrated in the major towns. Smaller localities usually had one constable. Police were thus widely but thinly spread across the region.³⁹ Police performed a number of other functions not

covered by the Police Act, some of which were to do with social order. These functions enabled police to maintain close contact with their beats, thereby enhancing the primary tasks of surveillance and peace-keeping and justifying the costs of maintaining forces.⁴⁰ These functions included the distribution of charitable relief,⁴¹ acting as rabbit, codlin moth and truant inspectors, inspectors for stocks, weights and measures,⁴² and the collection of agricultural statistics.⁴³ Two Longford constables who had only two offenders to arrest in August 1898 occupied their time collecting outstanding dog licences, performing Court of Requests work, and inspecting sanitary facilities.⁴⁴

The preoccupation with good order

The continued presence of emancipists and their usefulness as a cheap itinerant labour force, at least during the 1860s and into the 1870s,⁴⁵ created for the colonists something of a logistical dilemma. This dilemma induced from free colonists a variety of strategies designed to maintain the availability of emancipists as a source of labour whilst keeping them languishing at the margins of mainstream society. After 1853, Tasmanian prisons, hospitals and charitable institutions made a significant contribution towards this effort to absorb emancipists no longer useful as workers. Even as late as 1889, the 'overwhelming proportion' of the 800 paupers in Tasmanian institutions 'had been transported to the colony'.⁴⁶ Throughout the 1850s, those emancipists not incarcerated were kept under an 'unremitting supervision' by police.⁴⁷ Deloraine local court and police records for selected years between 1846 and 1897 (1365 recorded charges examined), a period which saw the transition of the township of Deloraine from a convict hiring station to a small country town, make it emphatically clear that the 'unremitting supervision' of the 1850s persisted as long as emancipists survived.⁴⁸

Colonial legislation and municipal bye-laws pertaining to public order constitute a process, not unique to Tasmania, of criminalising the working class occupation of public places.⁴⁹ In the years examined, offences in public places against 'good order',⁵⁰ accounted for between 57% and 89% of all charges laid. In the 1840s and 50s good order offences were commonly drunk and disorderly, disturbing the public peace, unauthorised absence from one's place of residence, and being out after hours, charges which suggest that a virtual curfew was in place during the years immediately before and after

Table 10.1: Deloraine lower court, all charges, 1846-1897

Years	1846-50	1855	1860	1870	1880	1890	1896-7
drinking	51%	4%	68%	55%	57%	58%	5.8%
non-drinking	18%	53%	14%	20%	18%	31%	66%
good order*	69%	57%	82%	75%	75%	90%	72%
felonies	—	11%	13%	16%	15%	9%	24%
work place	19%	19%	2.6%	6%	7%	—	1%
police	10%	13%	3%	1%	1.5%	1%	—
maintenance	—	—	—	1%	1%	2.5%	2.5%

*Good order charges consist of a combination of drinking and non-drinking charges
Source: calculated from Deloraine lower court records and police charge books.

the cessation of transportation. Between 1860 and 1890 good order offences included being drunk and disorderly or drunk and incapable in a public place, disturbing the public peace, using obscene language in a public place, and being idle and disorderly in a public place, usually by virtue of having no visible means of support. For the purpose of analysis, I have separated good order offences into drinking and non-drinking offences. Apart from showing the dominance of drinking offences, Table 10.1 also shows that in the years 1855 and 1896-7, non-drinking offences greatly outweighed drinking offences. Why this was so in 1855 is something of a mystery. The exodus of Tasmanian men to the mainland in search of gold was one reason for the lower drinking figures. The *Examiner* reported, for example, that ‘that great visitation, the yellow or golden fever, took away all...[Carrick’s]...male population, and like the Spartans of Old, left its women widows for a time’.⁵¹ But while drunkenness charges were well down, figures for disturbing the peace and absence from one’s residence were much higher than usual. Perhaps the shortage of labour induced police at the time to use the disturbing the peace charge rather than drunkenness because convicted offenders were not normally held in custody for disturbing the peace. Maybe the publicans and brewers took flight after gold too. The reversal in 1896-7 is discussed below.

An aggregation of the categories of offences in Deloraine across the period is included in Table 10.2. Offences concerning drinking constitute the most numerous category (49%), and non-drinking (disturbing the peace, obscene language, idle and disorderly, being out after hours or absent from all charges. Good order offences thus account for 75% of all charges in the one’s place of residence) constitute 26% of years examined. Felonies, which include offences against property and persons, but primarily property, account for 14%. Offences in the work place including refusing to work, insolence and

absconding, all of which related to the question of order, and offences against police, including assault and resisting arrest, account for most remaining charges. Conviction rates suggest the system was efficient in achieving results, at least from the police perspective. In 1860, for example, 97% of drinking charges were proved, as were 62% of non-drinking good order charges, 71% of workplace charges, and 50% of felony charges. Most of the remainder were dismissed. Conviction rates also suggest that justices paid more than lip-service to the rule of law. The conviction rate for drinking offences was very high, but almost all those charged pleaded guilty. Felonies were difficult to prove and a good case was also needed to secure conviction for non-drinking good order and workplace charges. Since offences were tried summarily and (as a rule) professional argument was not available for the defence, the sizeable rate of acquittals suggest that the bench required a strong case to be made before finding guilt.

Table 10.2: Deloraine lower court charges, 1846-97 *

Charges	% of total	actual totals
Drinking	49.5%	676
non-drinking	26.3%	360
Good order**	75.8%	1036
Felonies	14.1%	192
Workplace	6.0%	82
police	3.2%	43
maintenance	.8%	12
	99.9%	1365

*The years on which Table 2 is based are 1846-50, 1855, 1860, 1870, 1880, 1890 and 1896-7

**Good order charges include drinking and non-drinking charges

Source: Deloraine lower court records and police charge books

Drinking offences steadily declined from a peak of 315 in 1860 to only 10 in 1896-7. (Table 10.3) High levels continued through the 1860s, when emancipist levels were at their highest. The levels decreased in the depression years of the 1870s, enjoyed a recovery of sorts between 1879 and 1886, a time of mineral-led prosperity in Tasmania, and finally suffered a ten year decline. The trends are similar for the municipalities of Westbury and Longford although for Evandale the figures are much lower throughout the period.⁵² In 1870, 1880 and 1890, Deloraine emancipists were responsible for 80% of all drinking offences; a perusal of the Longford records suggest a similar incidence. The low levels of drinking charges in Evandale suggest a low emancipist population there, the result of a predominantly pastoral industry in that district. John Whitehead, who lived just south of Evandale,

noted in the late 1870s that the 'old hands have mostly disappeared, you seldom see one now'.⁵³ While drinking charges declined during the latter decades of the century in rural districts, in Launceston and Hobart the numbers of charges increased regularly on an annual basis, accounting for close to the entire number by the mid-1890s. General growth of the two cities, larrikin activity, and perceptions of the city as places of vice accounted in part for the increases.⁵⁴

Table 10.3: Drinking charges, Deloraine lower court

Year	Number	% of total
1846-50	45	51.7%
1855	4	4.0%
1860	315	67.7%
1870	130	55%
1880	115	57%
1890	57	58.7%
1896-7	10	5.8%

Source: Deloraine lower court records and police charge books

Over the period, 20-30% of drinking charges brought against emancipists concerned women; from 1867-97 the yearly average of women offenders was 22.5%. In the late 1850s the ratio of male to female emancipists was 2:1; men were therefore charged at twice the rate of women. The standard sentence, 5/- or 24 hours until 1860 and 10/- or 48 hours afterwards,⁵⁵ was applied irrespective of gender. In addition to formal sentences, offenders usually spent 48 hours in the cells awaiting a summary hearing; many spent a further 24 hours in the lock-up because they were unable to pay the fine. Perhaps for many offenders, a few days in the lock up was welcome respite from sleeping out and scrounging for food, or time to recover from a binge. Repeat offenders usually attracted heavier sentences. Ticket-of-leave holder Patrick Cassidy was fined 5/- in September 1850 for being drunk. Cassidy got drunk again on the very day he was fined for the first offence. For the second offence he was sentenced to 14 days. Other offenders were given heavy sentences although the records offer no explanations for the differences. In late December 1850 Thomas Greenhall, ticket-of-leave, was given 14 days solitary confinement for being drunk. Probationary pass holder William Forrester, in the service of William Archer, was given 14 days solitary confinement for misconduct in being drunk in the township. For those known to be second offenders the standard penalty in 1860 increased to 20/- or three days solitary confinement. One second offender, still a prisoner of the crown, was treated very harshly, although he

was an exception rather than the rule. John Conville, a ticket-of-leave labourer, was sentenced to six months with hard labour for a second offence. For a third offence the standard penalty was three pounds fine or one month with hard labour. Ambrose Nicholls, free-by-servitude, a plasterer of Deloraine, was fined three pounds, which he was able to pay, for a third offence for being drunk and disorderly. Margaret Watkins, free-by-servitude, was sentenced to one month with hard labour although the record states she was freed the following day. A few days later, 6 December 1860, Watkins and her husband William, a free-by-servitude labourer, were both discharged on a charge of 'being in the outhouse of Mr John Thomas of Alveston for some unlawful purpose on the 10th inst'. Neither had any possessions. Both were taken to the watch house at 8am, suggesting they were disturbed while sleeping. For a fifth offence related to drunkenness on 18 December Margaret was again sentenced to one month with hard labour.

The monthly incidence of drinking charges suggests that work opportunities occurred more frequently in the summer months. In Deloraine during the years 1860, 1870 and 1880, the months of January, February and March had the highest incidence of drinking charges; the winter months consistently had the lowest levels. These figures reflect the seasonal nature of the work available to emancipists: in the summer months, emancipists, whether local or itinerant, had more disposable income than in winter. Reflecting on Christmas 1874, John Whitehead despaired he 'had seen such scenes of drunkenness and wretchedness at this time I always feel a sense of relief when it over'.⁵⁶ The records also show that in the earlier years of the period, drunk and disorderly charges dominated drinking offences, whereas in the later years drunk and incapable offences gained the ascendancy. This change reflects a lessening concern with disorder occasioned by the passing of the emancipists.

Most non-drinking good order offenders were also emancipists, the remainder being other members of the working class. In the years prior to and including 1860, the overwhelming majority of all good order charges in Deloraine were laid against emancipists. In 1870 two of every three non-drinking good order offenders were emancipists, and in 1880, four of every five; in 1890, with emancipist numbers in rapid decline, non-drinking good order offences were more evenly divided between free and unfree. The incidence of non-drinking good order charges for the years examined is

shown in Table 10.4. The table shows a gradual decline during the period, with an upsurge in 1896-7, the result of a greater incidence of public welfare charges.⁵⁷

The transition from a convict to an emancipist society was reflected in the changing nature of non-drinking good order charges. In the years 1846-50, a total of 23 non-drinking charges were brought; they included being out after hours (4), disturbing the peace (4), disorderly conduct (3), obscene language (3), fighting (3), and six separate charges, all laid once, namely exposing his person, hunting without a licence, not looking for work, trespassing, being at Alveston contrary to the conditions of a pass, and intending to commit a felony. In 1855 most charges laid in earlier years were relaid, but the number of charges increased to 62 and a greater concentration

*Table 10.4: Non-drinking good order charges, Deloraine lower court**

year	1855#	1860#	1870	1880	1890	1896-7	total
disturbing peace	39	19	19 (11)	14 (10)	12 (3)	4 (-)	107 (82)
obscene language	--	4	7 (3)	8 (6)	4 (2)	7 (-)	30 (15)
idle & disorderly	2	12	12 (12)	5 (5)	4 (3)	8 (4)	43 (38)
others	21^	29^	10 (3)	9 (5)	10 (4)	95 (-)	174 (62)
totals	62	64	48 (29)	36(26)	30(12)	114 (4)	354(197)

* Emancipists numbers are those in brackets

#All charges in 1855 and 1860 were brought against convicts or emancipists

^In 1855, most 'others' charges were for unauthorised absence from place of residence, and in 1860 so were 13 of the 29

Source: Deloraine lower court records and Deloraine police charge books

occurred. Of the 62 charges, 39 were for disturbing the peace, seven for being out after hours and nine for being absent from one's authorised place of residence. The remaining charges in 1855 included assault (2), exposing his person (2), and one each for being idle and disorderly, intent to commit a felony, and for riding a horse furiously through the township of Deloraine. In 1860 non-drinking charges fell into four main groups. Of the 64 charges, 19 were for disturbing the peace, 13 related to illegal movements, 12 were for idle and disorderly and having no visible means of support, and 10 for exposing his person. During the next thirty years, movement charges fell away, leaving disturbing the peace, obscene language, and idle and disorderly to claim centre stage.

Sentences for offences related to workers' right to free movement, either in or out of the district or from the workplace or residence, increased in severity during 1846-60. Any worker indulging in unauthorised movement was increasingly seen as insubordinate. In April 1849, James McGrath,

transported for seven years, was charged with being out after hours near Alveston. McGrath's indiscretion cost him seven days solitary confinement. Three of four cases in 1850 were reprimanded although it seems clear that the offenders had spent at least one night in the local lock-up. The incidence of the charge increased in 1855. Again the sentences were light, most offenders being discharged, presumably after a night or two in the local prison. One offender received one month with hard labour, two were remanded to Westbury, and the remainder discharged. By 1860, sentences of one month's imprisonment with hard labour were not uncommon, and sometimes they were harsher. In 1860, movement related charges, including absence from one's authorised place of residence and being in Deloraine without a pass, accounted for around 20% of the total of the 64 non-drinking charges. Of the 13 charges, seven attracted convictions, two remands and four were discharged. Compared with sentences in the years 1846-50, offenders convicted in 1860 were treated harshly. One man, eight years after the event, was sentenced to three months with hard labour for absconding from the Van Diemen's Land Company at Cressy in November 1852. Another received two months with hard labour for being in Deloraine without a pass; three others all received one month with hard labour for being absent from their authorised place of residence. The increased harshness probably reflects attempts by local justices and police to assert their authority.

Charges of disturbing the peace, disorderly conduct, obscene language and 'exposing his person' (urinating in a public place?) were treated much less severely than movement offences. Most of these lesser offences brought a fine of 5/- throughout the period, although the inability to pay usually guaranteed between seven and 14 days in prison. One curious feature of the obscene language charge was that it was qualified by the condition that the offence had to occur within five miles of the township. This condition, which was also regularly applied to charges of drunkenness, presumably defined the limits of civil society in the Deloraine district, the limits within which order had to be maintained. One exception to the consistency in sentencing was that the charge of exposing one's person had become a more serious offence by 1860; the township had developed considerably during the 1850s prosperity and there were considerably more women and children in 1860.⁵⁸ In the earlier years the fine for exposing one's person was normally 5/-, but by 1860 the standard fine was 20/-. In 1860, ten exposing one's person charges were laid — nine men and one woman — and all were

convicted. One served seven days in lieu of a 10/- fine; six, including the woman were each fined 20/-; one was fined five pounds but was remanded to Westbury; another was fined five pounds or one month with hard labour; and the remaining offender was sentenced to three months in prison for exposing his person with intent to assault a female.

A relatively new charge in 1860 was being idle and disorderly and having no visible means of support. This offence was probably a euphemism for destitution. No such charges were brought between 1846-50 and only one in 1855. The emergence of this charge occurred in parallel with three factors: the demobilisation of the probation gangs, deteriorating economic conditions, and the return from the Victorian goldfields of unsuccessful diggers. The charge elicited a variety of responses from the court. Twelve charges were brought before the court in 1860, four of which attracted convictions, four were discharged with reprimands and four unconditionally discharged. Of the four convictions, one received three days with hard labour, one six weeks with hard labour, and two each one month with hard labour. Most of those charged with being idle and disorderly in the years examined were emancipists (see Table 10.4), and the sentences remained harsh through the period. In the 1890s, two minors convicted of the charge were sentenced to three years in the colonial Training School in Hobart. Many emancipists were charged with both drinking and non-drinking offences. The 43 or more charges brought against the emancipist Catherine Deverill between the early 1860s and March 1896, for example, ranged across the spectrum of good order offences.

During the period the incidence of drinking offences declined and that of non-drinking good order offences increased. (Table 10.1) As Table 10.4 shows, the actual nature of non-drinking good order offences had radically changed by the end of the period. Until 1890 the great bulk of non-drinking offences were concerned with disturbing the peace, obscene language and being idle and disorderly, and in the 1850s with being out after hours. In 1896-7, those offences constituted only 16.5% of all good order offences. The remainder fall into a different category, offences against what the government statistician called 'public welfare'.⁵⁹ Offences against public welfare, or what might be called good citizenship, included non-payment of fees of various sorts, including municipal rates and the codlin moth rate, traffic offences, and failure to send children to school. The emphasis on good order is still evident in public welfare charges, although the changed clientele had induced

significant change in the nature of charges. By 1896-7 the status of offenders had also considerably changed. Of the 124 good order charges, 114 non-drinking and 10 drinking, only 12 were brought against emancipists. Eight of the ten drinking charges were laid against emancipists, maintaining the 4:1 ratio. Drinking, public peace, obscene language and vagrancy offences were predominantly emancipist offences. This transition from good order to public welfare offences suggests a different set of expectations about working class behaviour, and reflects a changed emphasis in this aspect social law.

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Explanations for local expressions of good order policing in the Central North can be found in four factors, some local, and others with a significance far beyond the local place: attitudes to emancipists, especially fears of insubordination; the historical role of policing; the physical visibility and the drinking habits of emancipists; and the ideology of temperance. Social relations in the colonial period were characterised, *inter alia*, by fear. Fears of insurrection, insubordination and disorder became entrenched in the minds of many colonists, especially property owners, forming an essential characteristic of colonial psychology. Colonists feared for their safety and security, for the moral standing of colonial society, and for loss of land or property. Aborigines were feared, bushrangers were feared, convicts were feared, and later the emancipist working class was feared. Aborigines were seen to be in a perpetual state of insurrection; many historians have commented on the fears they induced among the white population. Perceptions of insurrection and its associated fears induced from the British colonists a ruthless response, the punitive expedition.⁶⁰ The outraged response from colonists when the government proposed to transfer the few surviving Aborigines from Wybalenna to Oyster Cove in 1847 was based on fear of a return to Black War days.⁶¹ The movement from fear of Aboriginal insurrection to convict insubordination to emancipist disorder reflected the changing nature of the threat, perceived or actual, as well as the increasing sense of stability which accompanied the development of colonial society.

Historians of the convict period have emphasised concerns about the cost of convict administration, fears of moral corruption, the dangers to peace and security, and concerns about excessive numbers of workers, especially in the wake of the 1840s depression.⁶² While this emphasis is valid, it has come at the expense of recognising that a fear of insubordination by convict and emancipist workers was very strong. The probation system was disliked in

part because it allowed convicts too much freedom. James Boyd, a senior assistant superintendent in the convict department, complained in 1847 that punishments given under the probation system did not deter offenders, who continued to pose grave threats to their overseers and the public at large. Boyd recommended the construction and regular use of solitary confinement cells as the best approach to the problem.⁶³ The probationers' mutiny and the flourishing black market in Deloraine in the mid 1840s no doubt made locals there edgy. Exton landowner Samuel Martin, a supporter of continued transportation, thought the practice of organising men into large groups was inefficient and tended to encourage crime and vice. In Martin's view much of the feeling of horror derived not from convictism as such but from the probation system.⁶⁴ When transportation had ceased, local masters were worried by the presence in their districts of high levels of convicts and emancipists. Opposition to liberalisation of the Master and Servant Act reflected a fear of giving rights and powers to servants. Destruction of property and wild drinking sprees compounded those fears.⁶⁵ In 1861, 15 Chudleigh residents petitioned the chief inspector of police to station an extra constable in their town 'for the security of the place'. The petitioners thought such a move was 'absolutely necessary' but the chief inspector thought other places had a more pressing need.⁶⁶

F.M.Innes, a large landholder from Evandale, voiced these fears in Parliament when he expressed doubts that municipal councils could control the emancipist working class. According to Henry Reynolds, colonists such as Innes were 'apprehensive of political democracy', especially manhood suffrage, because they feared 'emancipist domination'. The strength of this fear is reflected in the fact that manhood suffrage was not achieved in Tasmania until Federation. In some districts emancipists were prevented from taking up land selections in the late 1850s, effectively denying them the opportunity to gain the right to vote.⁶⁷ Concerns about the presence of emancipists in the district are reflected in the practice of recording offenders' status in the official record. Even as late as 1897, the local police recorded which offenders had been transported to the colony, in effect recording emancipists' difference from free immigrant and native born colonists.⁶⁸

Mark Finnane suggests that in nineteenth century Australia, police efforts to maintain good order were concentrated on drunkenness. Drunkenness was at best a social nuisance and at worst evidence of moral decay.⁶⁹ Alan Atkinson argues the emphasis on convictions for convict

drunkenness in NSW suggests a desire by masters and authorities, who held 'a great moral advantage', to re-assert working class degradation.⁷⁰ The Tasmanian focus on emancipist drunkenness suggests local authorities and masters had a similar motive in mind. For many 'respectable' Tasmanians, convict drunkenness was the worst imaginable social affliction.⁷¹ In at least one case, the use of stocks supports the assertion that the offence of drunkenness was used to re-assert working class degradation. In 1850, Francis Ward, free-by-servitude, was fined 5/- for drunkenness with payment due in one hour, or two hours in the stocks.⁷² The stereotyping of emancipists as inherently anti-social people, frequently drunk and disturbing the public peace, helped maintain the perception that emancipists were incapable of discharging the responsibilities conferred by political and civil rights. Emancipists, simply, were incapable of moral and civic decency.

Finnane argues new police in Australia historically targeted particular groups and paid limited attention to others. In street policing, social distinctions were commonly made; part of police learning was to judge what constituted an offence and who to charge. Further, 'the history of peace-keeping is in large part that of the processes by which police watched, intervened, arrested and prosecuted the inhabitants...of rough areas'. Police powers in this work were considerable and discretionary, and chances of successful prosecution were high.⁷³ Chief inspector James Forster, who held the position when emancipist numbers were at their highest, noted in 1870 that the attention of the territorial force was directed towards the suppression of vagrancy.⁷⁴ That targeted attention was at times practised is suggested by chief inspector Swan's 1882 concession, when seeking to explain fluctuations in drunkenness charges, that 'increased or diminished police vigilance no doubt affects them'.⁷⁵ The Deloraine lower court records suggest the town's streets were seen as rough places and that emancipists, systematically or otherwise, were targeted in the quest to maintain order. Forster's preoccupation as chief inspector was with the suppression of vagrancy. Reflecting the incidence of court appearances by emancipists, Forster believed that most minor crime was committed by vagrants, most of whom were 'old convicts, who from their habits form by far the largest proportion of the criminal class'. Forster consistently complained that benches in some districts treated vagrants too leniently, and he consistently sought '[m]ore uniform and stringent measures for suppressing able-bodied vagrancy'.⁷⁶ As discussed

above, Forster had to wait until 1879 for wide-ranging reform of the vagrancy statute.

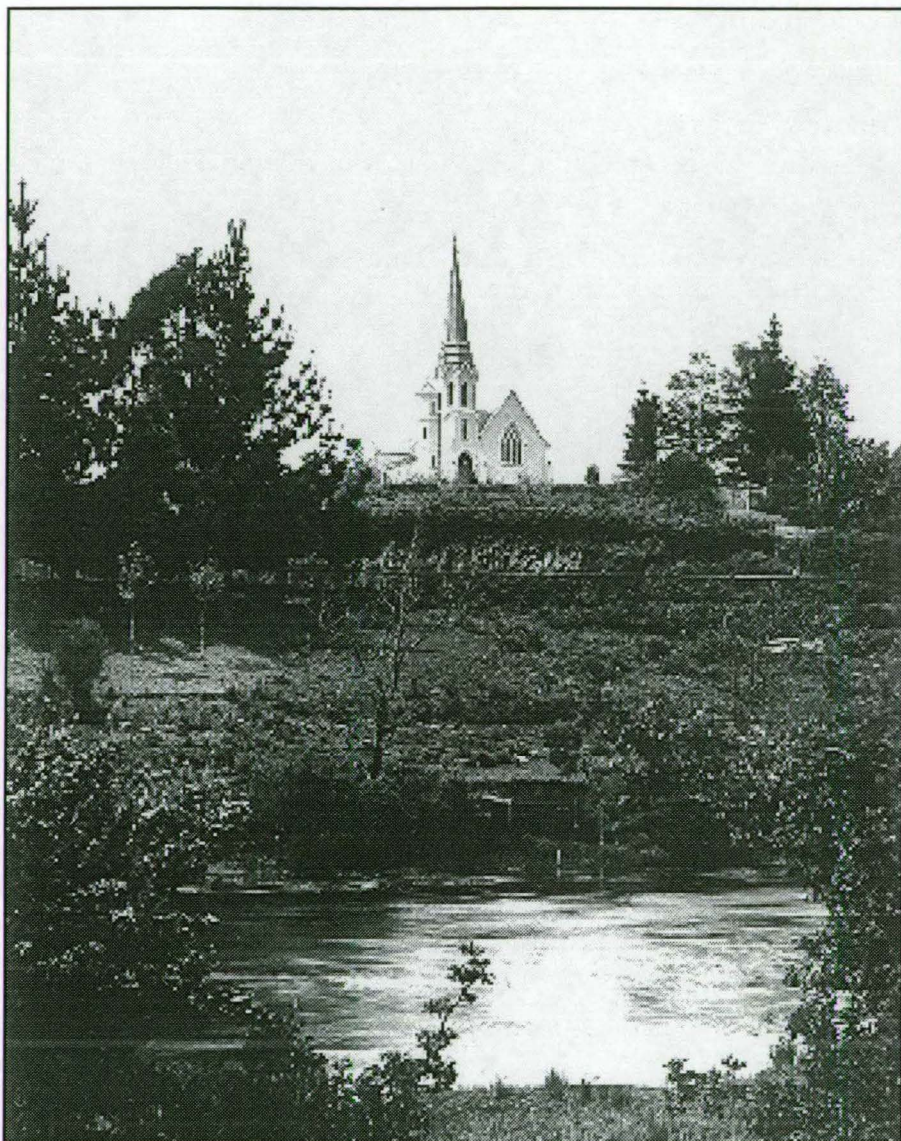
Forster's preoccupation with vagrancy was not just in response to the incidence of emancipist appearances in local courts. His preoccupation was intensified by his belief, expressed on several occasions in the late 1860s and early 1870s, that emancipists 'prefer an erratic and dishonest course of life to work of any description'. His claim that 'old convicts' found 'honest labour...more objectionable than detention and working in a prison'⁷⁷ does not sit well with Edward Braddon's complimentary assessment of old hands' skills and abilities, nor with the evidence that many old hands preferred wandering to incarceration in the Invalid Depot.⁷⁸ While some emancipists took work only when it suited them, Forster's claims ignore the limited employment opportunities available to emancipists, especially given that when the complaints were made Tasmania was in the depths of an eighteen year economic depression; his claims also ignore the general policy of exclusion to which emancipists were submitted. Forster linked increases in petty thefts with economic depression, no doubt correctly; but his claim that unemployment amongst agricultural labourers, most of whom were emancipists, explained an increase in petty thefts in the early 1870s is less convincing.⁷⁹ The record of felonies against persons and property, at least for Deloraine, does not support Forster's claim. In 1870 and 1890, felonies, which usually involved the theft of food, blankets, or clothing, were more or less evenly divided between free and unfree, while in 1880 the great bulk of felonies were attributed to free colonists.⁸⁰

Forster's assessments of emancipists behaviour say as much about his own attitudes as the emancipists' behaviour. His careful distinction between 'vagrants' and 'honest, destitute wayfarers'⁸¹ is instructive in this regard. Since he regarded emancipists almost by definition as vagrants, this clear distinction of stereotypes, with its echoes of the deserving-undeserving ideology which pervaded charitable relief in the period,⁸² implies a deep-seated prejudice against emancipists. There is little doubt that some emancipists had wild drinking habits, that they sometimes refused to work, and that some performed petty thefts. But whether Forster's attitude to emancipists proceeded from their actual behaviour or from his pre-conceived attitudes towards them remains debatable. Almost certainly both factors were at work. Swan wrote in his 1878 report that many long-sentenced prisoners

had been liberated during the past few years and 'contrary to general expectation, few have been re-convicted'.⁸³

Excessive drinking, especially by convicts, had long been a problem in Van Diemen's Land. In the 1850s, largely to do with the cessation of transportation, the temperance movement strongly challenged the ascendancy of the liquor interest; temperance-led reform occurred and the Tasmanian Temperance Alliance was organised.⁸⁴ In the 1850s in Tasmania, as it did in other places where it flourished, temperance advocates considered that most crime was linked to drinking and since the working classes were considered to be the most intemperate, most activity was directed towards them.⁸⁵ Given that in the 1850s the bulk of the working class, certainly in rural districts, were emancipists, the perceptions and aspirations of the temperance movement dovetailed nicely with the need to maintain supervision of emancipists, and especially to regulate their drinking habits. The influence of the ideology persisted well beyond the 1850s. All four Central North districts were well represented by active temperance groups.⁸⁶ In the 1880s Bishop Sandford thought that in Tasmania 'habits generally were temperate and quiet except among the ex-convict classes'.⁸⁷ Temperance ideology thus added a moral dimension to the process of criminalising the emancipist occupation of public places in Tasmania.

Prejudiced attitudes towards emancipists were fed by their physical visibility. Chronic poverty and the absence of belonging meant many members of the working class, including emancipists, were dependent on the country town for both sustenance and shelter, as well as for access to pubs. This dependence made emancipists very visible, a factor which enhanced their potential for contact with police. When noting the decrease in returns of all kinds in 1884, chief inspector Swan claimed the decline was 'attributable in great degree to a diminution in the number of homeless vagrants, by whom petty crimes are chiefly committed'.⁸⁸ Homeless and destitute, or with hard-earned wages and a thirst for the grog, emancipists were a visible and disorderly reminder of a fearful past many colonists preferred to forget and a dispossessed present many could not wait to pass. By the 1880s, the declining emancipist threat coincided with significant change to the powers and functions of rural municipalities, most notably in the fields of public recreation and police management.



A symbol of 'good order': St Mark's Anglican Church, Deloraine, designed by William Archer, photographed by Frank Styant-Brown, 1901

Re-inventing rural municipalities

During the 1860s and 70s, recreational events were generally organised on the British estate model. Some larger estates functioned as important community centres, others as playing fields for landed elites, and some functioned as both. Quamby, which had its own farm village, was known as a centre for community and cultural activity, and 'added considerably to the vivacity of the neighbourhood'. The estate's annual Waterloo ball was a major date on the Tasmanian elites' social calendar, and the first meet of the colony's first coursing club took place at Quamby in June 1878.⁸⁹ John Field's Alveston and Thomas Reibey's Entally had their own cricket fields and horseracing courses on which public and private meetings were held.⁹⁰ Ploughing matches, organised 'for the purpose of evincing the strength of the community', were popular and oft' held events. One event at Thomas Field's Westfield in 1853 attracted 80 teams which ploughed 100 acres. Following refreshments, cheers were given for the Queen, Westbury, and the Irish exiles.⁹¹ At Cheshunt, William Archer held an annual New Year's day fair for his tenants, servants and their families. Seventy four persons attended in 1868. Archer made a short speech after dinner, a musician called Shaw kept the women amused with dancing to the sounds of his concertina, and the men played cricket. After tea, three hearty cheers were given for Mr and Mrs Archer and dancing was kept up until midnight in the barn.⁹² The Church of England Sunday School's annual fete was held at J.D. Toosey's Cressy's estate; 'sports and pastimes were as plentiful as the fruit, tea, and confectionery provided for the repast'.⁹³ One exception to the estate cultural place was the Westbury village green, which still exists as public space to this day. The local branch of the Field family played archery on the green, 'then croquet, and later on...a tennis club' played there too. Tennis parties followed at Westfield.⁹⁴

Cultural spaces such as playing fields, race courses and barns were one important element in the functioning of estates as places of community activity and cohesion. But with the establishment of municipal councils, the emergence of country towns, the demise of the emancipist threat, and the spread of spectator-based sports,⁹⁵ recreational activity in the Central North of Tasmania from around the beginning of the 1880s was increasingly held on publicly owned and managed recreational spaces. This increased incidence in public recreation, which did not replace but certainly rivalled community-based estate recreation, was facilitated by enabling legislation in the late

1880s.⁹⁶ Councils across the Central North acquired recreation grounds, and proceeded to take a hand in the development of a local sporting culture. As well as purchasing property for recreational use, councils decided which events could occur on council-owned facilities, issued licences to sell alcohol, and dispatched their local police forces to regulate patrons' behaviour.

One of the earliest forms of spectator recreation in the Central North at which alcohol was available was horse racing. The Deloraine Turf Club was formed in 1874 and thereafter held annual Easter meets on John Field's Alveston estate, although meetings had been held there since the early 1860s.⁹⁷ It was perhaps no coincidence that when the railway reached Deloraine in 1873, the station was built less than 200 metres from this private race course and the adjacent recreation ground. Field held a private race meeting on New Year's Day 1880, at which alcoholic drinks were available. At the 1880 Easter meeting, which attracted some 3,000 patrons, including two train loads from Launceston, publicans Burt and Goodridge sold alcoholic drinks from licensed open air booths.⁹⁸ In early 1886, new owner William Bonney offered to sell the Council the 76 acres which comprised the race course and recreation ground. The Council held a public meeting at which the issue was discussed; following at least three years of lobbying, the colonial parliament amended the appropriate Land Act, thereby enabling the Council to sell three public reserves, totalling some 200 acres, thus raising the funds needed to buy the 76 acres. The council promptly leased the race course to the Deloraine Turf Club but retained direct control over the use of the recreation ground.⁹⁹

By the mid-1890s the liquor interest had reversed the ascendancy enjoyed by the temperance movement since the 1850s. The demise of 'the noxious foreign plants' of 'crime and pauperism' helped produce this change. The liquor interest's ascendancy was assisted by the emergence of popular sporting events and retained until the national interest intervened during the first world war.¹⁰⁰ In line with this broad shift in attitudes to public drinking, the Deloraine council's involvement in the emergence of spectator recreation was accompanied by a liberalisation of local licensing policy. Through its Licensing Board, the Council granted temporary licences to publicans to sell alcohol at recreational events, and they extended the trading hours of hotels when such events occurred. By 1896 the practice of issuing temporary licences on the occasion of public sporting events was well established. All five Deloraine publicans were permitted to open their establishments all night

with being drunk and disorderly, one in June and the other in late December.¹⁰¹ In the 1890s, approved public drinking thus occurred in public places and on specified occasions determined and regulated by the local council's Licensing Board. Within such parameters, it seems, public drinking was not a threat to good order.

Despite the liberalisation of official attitudes to public drinking and the willingness of the local Licensing Board to dispense annual licences to publicans to house billiard tables, illegal games, at least in Deloraine, still met with official disapproval. Some districts permitted games of chance in public places,¹⁰² but in July 1897 Goodridge was fined 17/6 for allowing his customers to play a game of cards by chance. But compared to the treatment meted out to Michael Lawson, a cooper, Goodridge was treated lightly. Lawson, a former convict who had earned his freedom by servitude, was in November 1896 charged with being idle and disorderly, having been found playing an unlawful game in a public place in Deloraine. The presiding JPs, Jonathan Graham and James Lovejoy, sentenced Lawson to one month's imprisonment with hard labour. Once a convict, always a convict.¹⁰³ So while drinking and gambling in public places for the few aged emancipists who remained was still prohibited, recreation grounds and hotels became places for those free of the dreaded stain to peacefully imbibe the amber ale.

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Police management was one of the most controversial issues in Tasmanian politics during the final decades of the century. The debate about whether local or central authorities should manage police revolved around three main issues: the rule of law, ideology, and power.¹⁰⁴ The centralisation issue came to prominence in 1873 when the Central North councils refused to co-operate with the central government when the latter levied a railway rate to cover interest payments on capital borrowed to build a railway from Launceston to Deloraine. An 1865 poll of landholders in the railway district had shown overwhelming support for such a tax, but when the government levied the tax outrage ensued.¹⁰⁵ The government's action induced a campaign of 'passive resistance'. Public meetings opposing the tax were held across the Central North. Many of those liable refused to pay, claiming the 'local liability' applied to the Western railway was not also applied to the Main Line railway between Launceston and Hobart. Municipal authorities, some citing 'the general good of the public', refused to direct local police to assist territorial police in the collection of the tax.¹⁰⁶ Deloraine council refused

to comply with repeated official requests from the ministry for council police to help territorial police issue summons,¹⁰⁷ and local residents after threatening a 'rebellion' settled for burning effigies of members of the colonial ministry.¹⁰⁸ The Legislative Council blocked moves to establish a Select Committee into police management in 1874¹⁰⁹ and 1877,¹¹⁰ but a further move in 1886 succeeded. Thomas Reibey chaired the Committee and Daniel Burke and Myles Mahoney were key witnesses.¹¹¹

At the Committee hearings and in the press, opponents of local management argued the system of local control compromised the rule of law. Witnesses charged local magistrates with incompetence and even corruption. The railway rate issue was cited frequently, as was the perceived failure of the rural municipalities to enforce the Licensing Act. While municipal police displayed considerable vigour in enforcing the drunkenness laws, achieving a level of convictions double that of territorial police,¹¹² their pursuit of offenders against the Licensing Act, especially in the matter of violations of closing times, was not matched with the same enthusiasm. Supporters of centralisation attributed this laxity to the undue influence of wardens and councillors over local police. Myles Mahoney suggested that widespread collusion existed between councillors and publicans in flouting the closing provisions of the Act, and he admitted he applied the Act liberally in Westbury for fear of losing his job.¹¹³ Mahoney was quite firm that under the local system police were susceptible to undue influence, to the detriment of the proper enforcement of the law, from wardens, councillors and their friends.¹¹⁴ Launceston barrister and Town Clerk C.W. Rocher's¹¹⁵ major concern was the poor quality of magistrates. He claimed that individuals 'utterly ignorant of the most simple elements of jurisprudence and rules of evidence' were expected to satisfactorily administer the many duties required by the law. Municipal justices often adjudicated cases in an Appeals Court they had already heard in petty sessions, and uniformity of procedure did not exist among the municipalities. Rocher claimed municipal justices were commonly 'looked upon and spoken of with derision', that residents often spoke of 'favoritism and corruption', and that the system had 'the effect of driving many out of the colony'. Rocher advised the Committee the system of locally appointed magistrates be replaced by visiting magistrates who should always be professional men 'of good standing at the Bar'.¹¹⁶

The point was frequently made that the local system violated natural justice. The Launceston-based *Illustrated Tasmanian News* had claimed in

1873 that the local system failed to deliver 'one of the fundamental maxims of the Magna Carta...[that]...all persons are to be treated as innocent until found guilty'.¹¹⁷ At the Select Committee hearings Thomas Reibey asked most witnesses if they considered local control of police amounted to a violation of natural justice because the warden was effectively prosecutor and adjudicator. Several witnesses agreed the blurred distinction between the magistracy and police did violate natural justice.¹¹⁸ Jealousy and a want of concerted police action arising from the divided system was a major problem in the view of ten of the 17 written respondents to the Select Committee.¹¹⁹ Mahoney and several other police witnesses all agreed that centralisation would remove these inefficiencies and hence produce greater effectiveness in preventing and detecting crime. Mahoney cited one case in which an officer of his arrested a murder suspect from another district in Westbury before an officer from the other district could effect the arrest. The other superintendent 'was quite jealous and annoyed that an officer of my district had arrested the murderer before his own man'. Mahoney also claimed that some superintendents would not allow his officers to enter neighbouring districts without permission. By the time permission was received, suspects, especially sheep thieves, had often disappeared.¹²⁰

The question of whether local or central authorities should manage police assumed centre stage in the early 1890s. Citing the centralised Irish system, centralisation advocates argued the administration of justice was properly the business of central government. Parliament derived its authority from all the people rather than just the propertied class and hence it was the appropriate authority to control policing. Thomas Reibey and the *Daily Telegraph* both believed Tasmania was out of step with other Australian colonies and with the system in Ireland.¹²¹ Reibey argued that as an article of faith, the 'police should be the arm of the government, and under their command'. The *Daily Telegraph* agreed that 'the administration of the law of the country is essentially a State prerogative'. The *Telegraph* alleged that certain Acts of parliament had become 'dead letters' because certain municipal districts had 'refused to carry out the law'. Laws commonly ignored were 'social laws' such as the Licensing Act, the Education Act, the Californian Thistle Act and the Codlin Moth Act. The law was laid down by the parliament and should be administered by officers responsible to that parliament. 'This is the broad principle which no subterfuge can pervert, which no special pleading can override'.¹²²

Local management supporters claimed in response that the pre-eminent role of local authorities in policing was essential to the integrity and status of local self-government. A centralised system was a violation of individual liberty and the principle of minimal government. In countries such as England, decentralisation was seen as a mark of progress.¹²³ While accepting that parliament had the right to make laws for the protection of life, property, health and the general welfare of the people, the *Examiner* felt compelled to repel 'the insidious...assaults' which sought to withdraw from the people a function they had exercised with 'prudence and undeniable advantage to the community...' The paper warned centralisation advocates they were 'playing with the prerogatives of the people, and that treason to a sacred trust which brings with it scorn and execration'. From 'time immemorial' people in all English-speaking countries had had the right of local government, and this included the control of police. The principle of local self-government was sound and necessary to 'the social and material welfare of the community'. Violation of the principle would induce local bodies to 'shirk their duties and responsibilities' and result in 'local incapacity'.¹²⁴ At a wardens' conference in 1891, called by Daniel Burke to express opposition to centralisation, Burke claimed centralisation would violate the principles of local government and weaken and destroy their self-reliance. He argued municipal government was 'especially created to provide power for local bodies to undertake judicial duties and assume the control of the police for the welfare of the people'. At a Deloraine public meeting, centralisation was described as 'simply a fancy' and a 'pet scheme' of attorney-general A.I. Clark.¹²⁵ Longford's W.H.D. Archer described the 1891 Bill as 'obnoxious'. He had no faith in the Assembly but harboured 'sanguine hopes' that the Legislative Council would 'adjust their right'.¹²⁶

Local critics of local management had their say too. To the claim, often put by local management supporters, that a centralised system would constitute a return to the bad old days, the *Daily Telegraph* responded that such an assertion was 'a slander on the Colony and a direct insult to the Territorial Force'. The *Telegraph* argued that power and not fear of a return of 'the dark days' was at the heart of opposition to centralisation. Opposition was motivated by the desire of local authorities to 'cling tenaciously to the little brief authority which the control of half a dozen police affords'.¹²⁷ At least 67 Westbury petitioners agreed. The petitioners expressed 'great satisfaction' a Centralisation Bill had passed the House of Assembly. The

petitioners 'most strongly' approved of Reibey's support for the Bill, and they claimed the Westbury warden and councillors did not reflect the majority local view.¹²⁸ A series of letters to the *Daily Telegraph* cast doubt on the integrity of councillors' concerns about centralisation. Stearne Phillips, a member of the Hagley clique (see Ch5), suggested the injustices perceived by Burke and other municipal supporters were 'imaginary'; he hoped MPs would not be 'hood-winked' by statements emanating from the municipal councils. Phillips wrote that if the Bill became law, 'as a matter of course the Municipal councillors would feel themselves dethroned and their kingly power to a certain extent removed'. 'Another victim' claimed that wardens did not represent the views of the general public. They were elected on a limited property franchise and were 'very much personally interested...in keeping all the authority and power possible in their own hands'.¹²⁹

To some extent the centralisation issue, especially in relation to matters of finance, was a north-south issue. The *Examiner* argued that the higher value of property in the colony's north would result in the north providing a disproportionate share of the taxation burden, meaning the south was 'practically shirking their fair share of the burden...'. Most municipalities in the north had a police rate of 6d whereas in the south the average rate of 9d covered only half the cost of maintaining police. Ignoring the good fortune of more fertile land, the *Examiner* claimed the 'energy and self-reliance' of the northern municipalities stood out in 'striking contrast' to its absence in the south.¹³⁰ During an 1898 debate, the *Mercury* claimed that most opposition to centralisation came from 'hardy controversialists of the North' whose support had all but evaporated.¹³¹ In the years following the Select Committee inquiry, several unsuccessful attempts were made to have a centralisation bill passed by both Houses of parliament; again the legislative Council was the stumbling block. A Bill was eventually passed in 1898, but only after financial inducements seduced the Legislative Council. In the early 1890s, economic depression had prevented governments from offering financial inducements to have bills passed. By 1896, however, Attorney-general Clark indicated a receptiveness to the idea that the cost of police should be met from general revenue. Clark agreed with the proposition there was a greater need for personal rather than property protection and hence consolidated revenue and not a tax based on property should fund police.¹³²

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In the era of local authority, local political elites used their policing, executive, and legislative powers to impose on emancipists the dominant version of good order. Prejudiced attitudes to emancipists, police targetting, emancipist drinking habits, and the influence of the temperance movement coalesced into a concern with good order in which most public forms of working class behaviour, especially drinking, gathering and idling, were clearly proscribed. Drinking in particular was *the* emancipist crime, whereas late century misdemeanors related to good citizenship. The dominance of drinking as an emancipist crime also reflected the ageing emancipist population, other crimes of physical misbehaviour becoming less likely with age. Across the colony, but especially in the older settled districts where emancipists could be found, the maintenance of good order was supported by a legislative process, enacted at both the colonial and local levels, which sought to criminalise the working class occupation of public space. The system of local authority, without exaggeration, was used in Tasmania's Central North as an instrument class repression. But the power relations which characterised local authority and, as Chapter 7 argues, measures to eradicate agricultural pests and diseases, were a matter of allegiance to place as well as class. The centralisation push came largely from the Hobart-based parliament which claimed that central and not local bodies were the proper authorities to administer the law. With the exception of emancipist drinking, advocates of local authority, including councillors, publicans, and drinkers, gave their allegiance to place before class. The experiment in local authority was short-lived. In truth it never had much chance of surviving. Local authority occupied an interregnum between the end of convict transportation and the delayed arrival of political reforms which had come to other colonies in the late 1850s and early 1860s. Following the centralisation of police management, municipal powers reverted to the now traditional and intrinsically less powerful functions of constructing and maintaining roads, pavements and sanitary facilities.

Notes

¹ Petition from 15 Chudleigh residents to the Police Commissioner seeking an extra constable in the town. POL 665/1, 10 September 1861

² 1858 Rural Municipalities Act, 21Vic/50; 1865 Rural Municipalities Act. 29Vic/8

³ See *Daily Telegraph*, 9 December 1893, 27 January 1894, 24 February 1894 for descriptions of Deloraine's growth in the 1850s and early 1860s.

⁴ Governor's Speech Opening the Session of Parliament, *HAI* no1 1857. The term 'good order' was regularly used by senior police. See, eg, Chief Inspector's Municipal Police Report, *LCJ* no29 1885

⁵ Sprod, *Whitehead Letters*, p26-7; Reynolds, 'That Hated Stain', p25, en43

- ⁶ For discussions of the English ideology of local self-government, see Mark Finnane, *Police and Government: Histories of Policing in Australia*, Melbourne: Oxford University Press, 1994, pp 9-16, and David Neal, *The Rule of Law in a Penal Colony*, pp 117-119
- ⁷ Public Service Royal Commission, *HAI* no2 1857; Finnane, *Police and Government*, p18
- ⁸ Governor's Speech, *HAI* no1 1857
- ⁹ See ch5 for discussion of the elites' political power
- ¹⁰ *Examiner*, 4 February 1860
- ¹¹ *Examiner*, 1 March 1860
- ¹² Sprod, *Whitehead Letters*, pp 26-7
- ¹³ *Walch's Almanac*, 1865
- ¹⁴ 1858 Rural Municipalities Act
- ¹⁵ Governor's Speech, *HAI* no1 1857
- ¹⁶ Finnane, *Police and Government*, p16
- ¹⁷ This blurring is discussed more fully below.
- ¹⁸ Reynolds, 'Tasmanian Gentry', p70
- ¹⁹ *Walch's Almanac*, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900
- ²⁰ Petition concerning voting at municipal elections, *HAI* no73 1874
- ²¹ *Mercury*, 28 October 1882
- ²² Petitions for liberalisation of voting at municipal elections, *LCJ* no95 1882; *LCJ* nos137 & 138 1884; Reynolds, 'Tasmanian Gentry', p69
- From the early 1880s but especially in the 1890s, smaller farmers and local businessmen began infiltrating the privileged institution of local government. Henry Crawford, for example, was born in England in 1851, arrived in the colony in 1858, learned about blacksmithing as a young man, then established a successful blacksmith business. He sold his business in 1892, bought small farms at Evandale and Dunorlan, and was councillor for Evandale from 1892-98. Long-term Dunorlan tenant James Griffen, who leased 800 acres, was a councillor in Deloraine from 1890 and for a time its warden. The easing of the municipal franchise towards the end of the century was the major factor in this change, although the large Irish population helped Daniel Burke pursue his political career. See *Cyclopaedia of Tasmania*, p168; *Walch's Almanac*, 1890-1900; see ch5 for a discussion of Burke's wider career.
- ²³ Deloraine began on James MacArthur's Alveston estate; see *Daily Telegraph*, 16 October 1893. Carrick was largely the invention of Thomas Reiby: see *Examiner*, 16 April 1859.
- ²⁴ Finnane, *Police and Government*, pp 11-13
- ²⁵ Robert D. Storch, 'The policeman as domestic missionary: urban discipline and popular culture in Northern England 1850-80', *Journal of social history*, June 1976, vol 9/4, p482
- ²⁶ Finnane, *Police and Government*, pp 4, 11-13
- ²⁷ Finnane, *Police and Government*, p93
- ²⁸ Petition opposed to Police Regulation Bill, *LCJ* no153 1891
- ²⁹ Finnane, *Police and Government*, p95; for a discussion of surveillance and the policing of vagrancy in New South Wales, 1810-30, see Byrne, *Criminal Law and Colonial Subject*, pp 157-161, 161-63.
- ³⁰ 1865 Police Government Act, 29Vic/10
- ³¹ For a discussion of police as moral reformers in nineteenth century England see Robert D Storch, 'The problem of working-class leisure: some roots of middle-class moral reform in the Industrial North, 1825-50', in A.P.Donajgradski, *Social Control in Nineteenth Century Britain*, New Jersey: Rowman and Littlefield, 1977, pp 138-161
- ³² An Act to further amend the 1865 Police Government Act, 1879, 42Vic/25
- ³³ Police Act Amendment, 1879
- ³⁴ Robson, *History of Tasmania*, vol 2, pp 81-2
- ³⁵ Deloraine Council Minutes, February 1879
- ³⁶ Deloraine Council By-laws nos. 36, 37 & 38, documentation held with the Deloraine Council minutes
- ³⁷ Storch, 'Urban discipline', p482
- ³⁸ Deloraine Lower Court Record Book, LC 114/1, 1846-50, AOT
- ³⁹ Chief Inspector's Municipal Police Report, *LCJ* no90 1880
- ⁴⁰ Finnane, *Police and Government*, p96
- ⁴¹ Deloraine Council Minutes, September 1882
- ⁴² Chief Inspector's Municipal Police Report, *LCJ* no111 1884
- ⁴³ Agricultural Returns, *ST*, 1880
- ⁴⁴ *Examiner*, 5 August 1898
- ⁴⁵ See ch9

- ⁴⁶ Robson, *History of Tasmania*, pp 162-6, 172-3; Reynolds, 'Hated Stain', p21; Chief Inspector's Municipal Police Report, *LCJ*, no29, 1885
- ⁴⁷ Reynolds, 'Hated Stain' p 26; Stephan Petrow, 'Indulgences of the Crown: Hobart and the Port Arthur Ticket of Leavers in 1861', *P&P*, THRA, vol 39/1, 1992, p52
- ⁴⁸ Deloraine Police Record Book, POL 125/1-4, 1860, 1870, 1880, 1896, *AOT*; Deloraine Lower Court Record Book, LC 114/1-3, 1846-55, 1896-97, *AOT*. The analysis below is based on the Deloraine police and lower court records. The Longford records were perused; records for Evandale and Westbury appear not to have survived.
- ⁴⁹ In an essay on drinking, temperance and American social historians, American historian Paul Johnson writes that the tendency of the licensing system in Boston in the late nineteenth century 'was towards what middle-class reform had been creating since the 1820s: the retreat of decency into the home, and the criminalisation of public space'. Paul Johnson, 'Bottoms Up: drinking, temperance and the social historians', *Reviews in American History*, March 1985, p 53
- ⁵⁰ Magisterial Returns, *ST*, 1889
- ⁵¹ *Examiner*, 16 April 1859
- ⁵² Calculated from Chief Inspector's Municipal Police Reports, 1865-1900
- ⁵³ Sprod, *Whitehead Letters*, p112
- ⁵⁴ Robson, *History of Tasmania*, vol 2, pp 81-2
- ⁵⁵ The average fine after 1860 was more or less a week's pay for a labourer. See ch9
- ⁵⁶ Sprod, *Whitehead Letters*, p76
- ⁵⁷ Discussed below
- ⁵⁸ Census abstracts, *ST*, 1861
- ⁵⁹ Magisterial Returns, *ST*, 1889
- ⁶⁰ Discussed in ch 1; see also Reynolds, *Fate of a Free People*, pp 53-85
- ⁶¹ Reynolds, *Fate of a Free People*, pp 53-4
- ⁶² Robson, *Short History*, p32; Robson, *History of Tasmania*, vol 1, pp 425, 484-6, 490-92, 496, 498; Petrow, 'Indulgences of the Crown', pp 50-51
- ⁶³ *Examiner*, 2 January 1847
- ⁶⁴ *Examiner*, 5 May 1847
- ⁶⁵ See ch9 for a discussion of emancipist drinking habits
- ⁶⁶ POL 665/1, 10 September 1861
- ⁶⁷ Reynolds, 'Hated Stain', pp 23, 26
- ⁶⁸ POL 125/4, 1896; LC 114/3, 1896-97
- ⁶⁹ Finnane, *Police & Government*, p97
- ⁷⁰ Atkinson, 'Convict protest', p29
- ⁷¹ Roe, *Quest for Authority*, pp 168-74, 189-90; Rod Kilner, 'Temperance and the liquor question in Tasmania in the 1850s', *P&P*, THRA, 20/2, 1973, pp 82-97
- ⁷² POL 125/1
- ⁷³ Finnane, *Police and Government*, pp 93-7
- ⁷⁴ Chief Inspector's Territorial Police Report, *LCJ* no21 1870
- ⁷⁵ Chief Inspector's Municipal Police Report, *LCJ* no88 1882
- ⁷⁶ Chief Inspector's Municipal Police Report, *LCJ* no25 1869; no20 1870; no23 1871; no18 1874. Reynolds, 'Hated Stain', p20, quotes from the 1869 report but does not engage in detailed discussion.
- ⁷⁷ Chief Inspector's Municipal Police Report, *LCJ* no25 1868; no25 1869; no 23 1871
- ⁷⁸ See ch9
- ⁷⁹ Chief Inspector's Municipal Police Reports, *LCJ* no20 1873; no18 1874
- ⁸⁰ Deloraine Felony Records, *AOT*
- ⁸¹ Chief Inspector's Municipal Police Report, *LCJ* no25 1869
- ⁸² A.J.C.Mayne, "'The question of the poor' in the nineteenth century city', *Historical Studies*, vol 20/81, 1983, pp 563, 567
- ⁸³ Chief Inspector's Territorial Police Report, *LCJ* no90 1878
- ⁸⁴ Robson, *History of Tasmania*, vol 2, pp 11-12
- ⁸⁵ Kilner, 'Temperance and the liquor question in Tasmania', pp 85, 87
- ⁸⁶ *Walch's Almanac*, 1865-1900
- ⁸⁷ Robson, *History of Tasmania*, vol 2, p162
- ⁸⁸ Chief Inspector's Municipal Police Report, *LCJ* no29 1885
- ⁸⁹ *Examiner*, 3 April 1860; Sprod, *Whitehead Letters*, p132
- ⁹⁰ For Alveston, see below. West, *History of Tasmania*, p362, discusses recreation at Entally; and see ch3 above
- ⁹¹ *Examiner*, 1 May 1853; for further reports of ploughing matches, see *Examiner*, 27 August 1866 & 4 August 1874; *Cyclopaedia of Tasmania*, p170
- ⁹² From William Archer Diaries, in Chick, *The Archers of Van Diemen's Land*, p170
- ⁹³ *Tasmanian Mail*, 6 January 1878

- ⁹⁴ Ellen Payne, *Reminiscences of Westfield*, p11; see also J.A. Hendley, 'From Chains to Riches: A History of the Field Family in Tasmania', 1990, typescript, Local History Room, NRL, Launceston, especially ch3
- ⁹⁵ Brian Stoddart, *Saturday Afternoon Fever*, Sydney: Angus & Robertson, 1986, pp 17-22, 35-6
- ⁹⁶ Public Recreation Grounds Act, 52 Vic/17 1888, 53 Vic/5 1889
- ⁹⁷ Skemp, *Short History of Deloraine*, p42
- ⁹⁸ *Examiner*, 30 March 1880, 2 January 1880
- ⁹⁹ Deloraine Council Minutes, April 1885, January 1886
- ¹⁰⁰ Robson, *History of Tasmania*, vol 2, pp 78-81, 337; Reynolds, 'Hated Stain', p22
- ¹⁰¹ LC 114/3, 1896-97
- ¹⁰² Royal Commission on the organisation and administration of the police force, Tasmania, LCJ no10 1906
- ¹⁰³ LC 114/3, 1896-97
- ¹⁰⁴ Although Central North councils and politicians were chief players in the centralisation debate, the issue is essentially a colony-wide issue. It is discussed here briefly and will be the subject of a separate paper in the near future.
- ¹⁰⁵ Townsley, 'Launceston and Western Railway', pp 6, 10; the railway is briefly discussed above in Chapter 6 as an expression of mechanical improvement in agriculture.
- ¹⁰⁶ *Illustrated Tasmanian News*, December 1873
- ¹⁰⁷ After deliberately procrastinating for several months and despite warden Douglas's view that it 'was illegal and could not be carried out', the council finally passed the resolution '[t]hat as it is clear that [it] is the intention of the government to summons all defaulters in the payment of railway rates to Launceston — this showing a distrust in the local court — the Municipal Police be not allowed to serve summons or other processes for railway rates'. See Deloraine Council minutes, February 1874
- ¹⁰⁸ Local opposition also involved direct action. In March 1874 'a catastrophe was narrowly averted by the prompt action of the government in sending a detachment of territorial police to Deloraine, where the people were on the eve of a rebellion...the enraged mob contented themselves by burning in effigy a couple of members of the then Ministry. Passive resistance was next resorted to, and a test case made of the seizure of a saddle horse, the property of Mr James M Griffen of Dunorlan, which horse the government tried in vain to sell, locally in the first instance and subsequently in Bell's mart, Launceston, on which latter occasion a coffin bearing a suggestive inscription was brought into the saleyard, the sight of which had a most deterrent effect on would-be purchasers of the Dunorlan steed. The horse was ultimately bought by subscription, limited to 3d from each sympathiser and presented to the original owner.' See *Daily Telegraph*, 3 March 1894; *Illustrated Tasmanian News*, November 1873
- ¹⁰⁹ *Cornwall Chronicle*, 30 July 1874
- ¹¹⁰ Centralisation of police: correspondence, LCJ no10 1877; Deloraine Council minutes, April 1877; Finnane, *Police & Government*, p19
- ¹¹¹ Select Committee into Centralisation of Police Management, LCJ no163 1886
- ¹¹² Centralisation Committee hearings, p2
- ¹¹³ Centralisation Committee hearings, p17
- ¹¹⁴ Centralisation Committee hearings, p17. Mahoney's colleague Robert Armstrong, superintendent of territorial police at Selby (to the north of Longford district) testified he heard over and over again from municipal constables they were 'afraid to do their duty for fear of losing their positions'. See Centralisation Committee hearings, p27
- ¹¹⁵ Entry on C.W. Rocher, *Cyclopaedia of Tasmania*, p151
- ¹¹⁶ Centralisation Committee hearings, pp 39-40
- ¹¹⁷ *Illustrated Tasmanian News*, September 1873
- ¹¹⁸ Centralisation Committee hearings, pp 4-6
- ¹¹⁹ Centralisation Committee Report, pv; hearings, p27
- ¹²⁰ Centralisation Committee hearings, pp 16, 28
- ¹²¹ Centralisation Committee hearings, p16; *Daily Telegraph*, 15 September 1891; *Mercury*, 16 June 1898
- ¹²² *Daily Telegraph*, 15 September, 9 October 1891
- ¹²³ *Daily Telegraph*, 8 October 1891
- ¹²⁴ *Examiner* 26 September 1891; 3 October 1891; 17 October 1891
- ¹²⁵ *Daily Telegraph*, 2 Oct 1891; 8 Oct 1891; 19 Oct 1891
- ¹²⁶ *Daily Telegraph*, 8 Oct 1891
- ¹²⁷ *Daily Telegraph*, 6 October 1891
- ¹²⁸ Petition from Westbury residents in support of centralisation, LCJ no153 1891
- ¹²⁹ *Daily Telegraph*, 8, 9, 12 & 16 October 1891
- ¹³⁰ *Examiner*, 5 October 1891

¹³¹ *Mercury*, 17 June 1898

¹³² *Mercury*, 16 June, 1 August 1896

Conclusion

POLITICS, NATURE & A SENSE OF PLACE

To be human is to live in a world that is filled with significant places; to be human is to have and to know your place.¹

The shape and orientation of this work has been influenced by past work in the field of Australian regional history. The forms of Australian regional histories and the methodologies employed by historians of regional places vary widely according to the evidence encountered, the historian's interests and prevailing historiographical fashions. Regions have variously been configured as economic, geographic, administrative, demographic or political units. Australian regional histories of this type include Margaret Kiddle's social history of pastoralism in Victoria's Western District, D.W. Meinig's study of the South Australian wheat industry, and D.B. Waterson's work on the Darling Downs. More recently, regional historians have paid closer attention to the land, the scene of much human history, and from this focus the fledgling genre of Australian environmental history has emerged. W.H. Hancock's *Monaro* is one earlier example of this trend, and Sue Rosen's *Losing Ground: An Environmental History of the Hawkesbury-Nepean Catchment* a more recent example.² This work is firmly located within and builds upon on this evolving tradition of Australian regional history. More specifically, I seek to integrate trends which until recently have remained relatively separate. As Stephen Dovers recently wrote, too many histories concentrate on either social or environmental matters, whereas what is needed, if we want to understand the complex relations within human spheres and between human institutions and nature, is an approach which explores relations between the human and natural spheres.³ As I suggest in the Introduction, I have employed the framework of social ecology; the result is neither a social, economic or general history of a particular region, but rather a history of a regional place and the people and institutions which have occupied that place.

The work is sensitive also to recent trends in Tasmanian historiography. In the colonial period, Tasmania's Central North supported a society in which privileged elites of men owned the land, controlled economic, social and political power, and used social law to consolidate their privilege. This was a racist, class-

based society ruled by patriarchal elites; the experience of most people, male or female, was heavily although not exclusively shaped by that reality. In the past 15 or so years, a number of writers have produced Tasmanian histories which explore underdog resistance and adaptation to dominant others, especially hostile others in positions of power. This trend has been especially evident in Aboriginal History, where Lyndall Ryan, Henry Reynolds, Cassandra Pybus and Maykutenner (Vicki Matson-Green),⁴ among others, have produced works which tell stories of Aboriginal survivors and resisters in Tasmanian history. Richard Flanagan's *A Terrible Beauty*, Alex Castles 'Vandemonian Spirit and the Law', Tim Jetson's *Roof of Tasmania*, and James Boyce's 'Journeying Home' all portray Euro-Tasmanian common people in a similar light.⁵ In Tasmania's Central North, many people denied access to land and power, and denied the protection of social law, contested elite power. Aborigines, convicts, emancipists, tenant farmers, journalists, newspaper correspondents, petitioners, all these at particular historical moments challenged particular manifestations of elite power.

The central purpose of the thesis has been to write a history of Tasmania's Central North in the colonial period and in the process devise a methodology for a history of place. The linked processes of place, power and social law are central to both the Central North's history and to the approach used in the thesis. All three processes were multi-layered and interacted in different ways in specific contexts. These contexts included Aboriginal dispossession and colonial land distribution; farming and agricultural tenantry; ecological transformation; and local authority, policing and executive power. The meandering threads in the thesis are best drawn together by a focus on three persistent themes: the rise and decline of the transplanted ideology of local independence, nature's resilience to attempts to tame it, and the human quest to establish a meaningful sense of place.

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In post-transportation Tasmania, an all-to-obvious stench of the convict past assailed the sensitivities of respectable citizens. Convictism spawned at least two major legacies: a system of local authority built along the lines of the pre-industrial English model, and a body of social law which generally discriminated against non-owners of property. This political and legal system was practised nowhere else in Australia in the second half of the century. Its maintenance relied on the privileged pattern of land ownership and the continuing dominance of the parliament by interests partial to landed privilege. By the end of the colonial

period both were in decline; four reasons for this decline can be advanced. By century's end, most old convicts had gone, as my grandmother used to put it, to the happy hunting ground; they were no longer there to be policed. As the old hands passed away, the institutions devised to control them died too. Second, the gradual emergence of central authority weakened local authority. In the final decades of the century, a gradually widening electoral franchise changed the philosophical complexion of the parliament, especially the House of Assembly. In particular, the election of lawyers interested in the centralisation of public institutions spelt doom for the primacy of local authority. The removal of local policing powers, a crucial plank in the ascendancy of local authority, was one major element in this centralisation process. Another element was a sustained attack on the Legislative Council. As early as 1873 the Council was criticised for its indifference to the public good and its use of its power to enable the privileged to avoid its 'fair proportion towards the revenue of the colony'.⁶ Third, the Hagley clique's political and ideological challenge to elite power over the protection issue weakened local authority in its heartland. The clique's determination to force tariff increases for wheat brought it into political and ideological conflict with the more privileged advocates of free trade. For the wool-growing elites, the English ideologies of local authority and free trade were two peas in the one pod. The split between wheat farmers and wool growers, personalised in Daniel Burke's political challenge to Thomas Reibey, suggested that tenant farmers such as Burke and his colleagues saw themselves less as tenants dependent on paternalistic landlords and more as practitioners of the ideology of landed independence. Tenants, however, were supposed to defer to their landlords, not challenge their authority. In the wake of this challenge, and the gathering disrepute of the local magistracy, the old elites and their parliamentary representatives abandoned local authority in favour of a centralised model. With the decline of local authority, the local kingdom became a dependent province. Finally, the debate over the wheat tariff coincided with the beginning of a fifteen year campaign aimed at the redistribution of large estates. At the end of the century, the pattern of land ownership established by the 1850s was still substantially in place. But during the 1890s economic depression, the ideology of landed independence enjoyed a re-newed popularity, culminating in the 1906 Closer Settlement Scheme, aimed at reclaiming large estates and redistributing the land to small independent freeholders.

Carolyn Merchant has argued that ruling forms of consciousness, which give rise to dominant ideologies, are power structures used by human societies to validate patterns of land ownership and use, social relations, the role of law, and civil and political rights.⁷ The social and political changes which occurred in Tasmania's Central North in the final years of the century were underpinned by a challenge to the ideology of landed privilege, and the consciousness which sustained it, by the advocates of the ideology of the common or public good. In the aftermath of the transportation era, the notions of individual liberty and property rights were ascendant, but as emancipist numbers declined and political reforms occurred elsewhere, the concept of the public good challenged the ascendancy of those older notions. In 1898 Westbury farmer G. Priestly expressed this ideological shift in a letter to the *Daily Telegraph* in which he claimed the 'old notions, steeped in the depths of extreme conservatism, must, with the rising current of popular demands, be swept away and ushered into oblivion'.⁸ These opposing sets of ideas were closely linked to the competing systems of local and central authority, and were often advanced by proponents as justifications for the respective systems. The tension between the two sets of ideas was evident in the various moves to eradicate agricultural pests and diseases, dismantle local police management, impose a protective tariff on wheat, and build irrigation schemes. In short, Tasmania was transformed, at least nominally, from a place of individual liberty to a place of the common good, from a place of deference to authority to a place of gathering political debate. The tension between individual liberty and the public good is an enduring one in Australian history, most recently expressed in the gun control debate in the wake of the 1996 Port Arthur massacre and the Northern Territory's voluntary euthanasia law of the same year.

The emergence of the public good as a significant social philosophy was accompanied by debate about the proper function and character of social law. Ruling elites saw social law as an instrument for constructing and regulating place according to their own aspirations and expectations. In the 1870s, lawmakers were criticised for interfering with individual liberty; by century's end the criticism was that too many laws obstructed the public good. In the mid 1870s, just a score of years after the first colonial parliament opened, defenders of individual liberty, which in practice meant the liberty of property owners, bemoaned the mania for law-making which 'obsessed' the colony's politicians. Irrespective of the issue, 'Nothing daunts them: they are equally prepared to lay

down rules for rearing children or chickens — for governing churches or regulating cesspools.’⁹ By century’s end the reformist tendency to pass a law for each and every problem caused much distress for those who perceived their beloved liberty was at risk. ‘Salvation by law is a leading tenet of the creed of modern reformers’, editorialised the Launceston *Examiner*. ‘The more bills they put on the Statute Book the better they seem to like it’. The *Examiner* praised the American tendency to pass as few bills as possible but lamented that the

tendency in this colony and some others is, however, not only to increase legislation, but the number of legislators. The latter, in giving an account of their stewardship, pride themselves on having passed from 50 to 80 bills in a session; but the elector, if he is wise, would regard most of those measures as ...restrictions on his liberty.¹⁰

In the *Examiner*’s view, the natural rights of property were unreasonably under attack from a reformist colonial elite espousing the public good and heavily committed to reforming laws protective of landed privilege and individual liberty.

Advocates of the public good criticised the quality and workability of much social law. In 1898 premier Edward Braddon admitted to the Tasmanian Council of Agriculture, of which he was then chairman, that the Government Analyst had found that three Launceston merchants were selling adulterated manures. The accused could not be prosecuted because of a defect in the law; and because they could not be prosecuted their names could not be published.¹¹ This was too much for G. Priestly. It was bad enough, wrote Priestly, that the colony was saddled with ‘unreasonable, obnoxious laws, prosecuting, threatening disobedience with the perpetual resort to fines and other penalties’; such laws ‘do not conduce to the happiness and prosperity of a people and make them more contented with their lot’. This combination of defect and repugnance led Priestly to conclude that those ‘who offer themselves to make our laws appear ignorant of the first principles of impartial justice’. This meant the Supreme Court was often called on ‘to discover some meaning not clearly expressed, so that the rabble may play, while the righteous must dance’.¹² A correspondent from Sheffield, to the west of Deloraine, supported Priestly’s sentiments, citing a prosecution of several pony clubs. The Acting Chief Justice, to whom an appeal was made in the case, said the relevant legislation was ‘a veritable puzzle, and the result of slipshod legislation’. The correspondent feared that a perusal of the statute book would ‘not only emphasise “G.P.’s” contention, but would reveal countless instances of legislative blundering in the law-making line’.¹³

The impact of colonial society on the indigenous ecology of Tasmania's Central North bears on one of the major theses in recent historical writing on relations between colonial societies and nature. Of particular relevance is the conquest of nature thesis, popularly advanced in Australia in recent years by William J Lines.¹⁴ The conquest of nature thesis holds that British colonists, in their practice of agriculture, pastoralism, mining and forestry, conquered natural processes and in so doing, wreaked massive ecological devastation. The depletion of native grasses, the draining of wetlands, the fording and diverting of rivers and streams, the removal of woodlands and forests, and the depletion of indigenous fauna, as well as the use of pesticides and chemical fertilisers, together represent a process of conquest and destruction inflicted by colonial man on defenceless nature.

Like much of human perception, however, the notion of a conquest of nature is an intellectual construction which reflects the aspirations and motivations of its promoters. Conquest, which I think should be distinguished from an intention to conquer, implies the achievement of considerable control or power over nature. In some cases, such as urbanised industrial centres, desert valleys transformed by damned rivers, or riverine habitats submerged by hydro-electric dams, it is difficult to argue against the conquest thesis. In the Central North, ecological communities were transformed in particular ways according to derivative farming practices and the importation of exotic plant, animal and insect species. Farmers and their labourers altered landscapes, especially by forest clearance, road building and fencing. Overstocking, drought and introduced grasses rapidly depleted the sweet native pastures. Rabbits, thistles, blackberries, white clover and a variety of other exotics invaded and transformed indigenous communities. Monocultural cropping, especially of wheat, combined with a failure to spread manure, fallow fields and rotate crops, degraded soils. The many facets of agricultural improvement pursued by farmers in the latter decades of the colonial period constituted a series of attempts or intentions to bring those natural and biological processes, which had earlier proved resistant, more firmly under human control, to make those processes more productive in the colonists' terms. The use of chemical fertilisers, the mechanisation of agriculture and the quest to genetically engineer disease-resistant varieties of wheat can all be read as measures designed to bring natural processes under human control. In some

respects these measures have been successful from the farmers' point of view, but further transformation and degradation have also resulted.

The notion of considerable power over complex processes, however, whether human or natural, must always remain problematic, even in the most extreme circumstances. A single weed lodged in cracked concrete in the bowels of a polluted metropolis symbolises nature's power to resist man's appetite for conquest. While farmers in the Tasmania's Central North may have hoped to conquer nature, they were often frustrated by nature's resilience and intractability. Despite the twin impact of biological invasion and inappropriate farming practices, nature in Tasmania's Central North, although radically transformed, has not been fatally wounded. Nature was and remains an active participant in relations with humans and in subsequent ecological transformations. Strategies of transformation and regeneration, the ravages of pests and diseases, and the vagaries of climate often forced farmers to defer and adapt to the power of natural forces. Many indigenous species have survived, although few indigenous ecological communities remain intact; most, in their insistence on survival, have incorporated exotic species of flora and fauna. The ability of dry sclerophyll and rain forests to regenerate after human interference illustrates an inherent resilience and adaptability of nature in Tasmania's Central North. Thus while the Central North has undergone a radical ecological transformation, nature, as an active participant in the transformation process, has continually resisted attempts to conquer it. This position may be criticised as merely a splitting of hairs, that if one takes a global view the evidence for the conquest of nature is overwhelming. And herein lies the importance of local and regional studies. We need to see the diversity and complexity of the relationship between western societies and nature, not reduce that interaction to neat generalisation.

The characterisation of nature as an active and resilient participant in relations with human societies is not a novel idea. Aborigines have long humanised natural phenomena and ascribed to them a determining power in relation to human actions.¹⁵ This animistic consciousness had much to do with an attitude which valued nature as both spiritual guide and a source of sustenance, and hence means of production, which in turn had relatively minimal impact on nature. Seeing nature as an aggregation of passive resources, as western societies have done at least since the industrial revolution, tends to induce us to lose sight of how little power we do have over nature, and in consequence we tend to overstate our potential for both saving and destroying it. It is sobering to realise

that for most of the past three million years the planet was a ball of ice on which human life could not have survived.¹⁶ In a very real sense, we are here now only because the weather is abnormally equable.

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Any history of place should give consideration to the sense of place experienced by the historical actors who lived there, if only to understand how the sense of place inherited by succeeding generations developed. With the aid of concepts devised by philosophers and social geographers, the historian can generalise about the ways in which social groups and some individuals experienced place in Tasmania's Central North. A sense of place can be understood as a meaningful attachment to place, especially place as home. In this sense, a meaningful sense of place is a crucial element in the process of maintaining a solid sense of personal identity and psychological well-being;¹⁷ a sense of place thus involves, according to the philosopher Martin Heidegger, a 'profound and immediate experience of the world that is filled with meaning, and as such is the very basis of human existence'.¹⁸ Without a belonging place, people struggle under a fractured or lost identity. As Heidegger put it, meaningful places 'give form and structure to our experience of the world'.¹⁹

The geographer Anne Buttimer suggests places have meaning in symbolic, emotional, cultural, political, biological, intellectual and imaginary senses; and people develop personal and social associations with place-based networks of interaction and affiliation. In order to see this complex relationship more readily, Buttimer suggests we think about place in terms of two reciprocal movements which can be observed amongst most living forms. Most life forms need both a home and horizons of reach outwards from that home. People thus need a lived reciprocity of rest and movement, territory and range, security and adventure, housekeeping and husbandry, and community building and social organisation. Each of these reciprocal movements can be approached in terms of *home* and *reach*. For a sense of human well-being, or centredness, and hence a meaningful sense of place, a proper balance must exist between place and journey, between home and reach. For any individual, the home and reach of one's thought and imagination can be distinct from the home and reach of one's social affiliations, and distinct again from the home and reach of physical location. If all three senses of home and reach are synchronised, we can speak of the individual's centredness, and hypothesise that the sense of place is a function of how well the particular place provides a centre for one's life needs and interests,

especially on an everyday basis. Centreing is a creative process authored by people themselves. 'Personal identity and health require an ongoing process of centreing — a reciprocity between dwelling and reaching — which can find its external symbolic expression in the sense of place or regional identity'. When the human capacity to engage in this process of centreing is obstructed, especially if that obstruction is severe, they are forced into survival mode; sensitivity to dimensions of reach beyond what is needed for survival is then difficult to achieve, as is a meaningful sense of home.²⁰ Buttimer's concept of home and reach seems to me a most useful way of approaching concluding comment on the sense of place experienced by the various social groups in the Central North.²¹

Indigenous societies around the world have long known the importance of home and reach in the generation of personal and collective identity, and so developed social and cultural systems productive of a meaningful sense of place for the great bulk of their members. In Aboriginal Australia, the system of regular seasonal movements was balanced by tribal ownership of economic territory and custodial obligations to sacred places. Some colonists were aware of the need for attachment to place; writing at the height of the anti-transportation movement, one aspiring poet imagined that when transportation finally ended

Then numerous hamlets shall around us arise,
And free-born peasants bless our longing eyes;
Then youths and maidens in each cot shall smile,
Attach'd unto their landlords and the soil;
Then Hymen's torch shall often blaze around,
and love, and joy, and happiness abound ²².

The system of tenantry implemented in Tasmania, however, failed to realise this absurdly idyllic vision. In hindsight, a considerable distance separated lived experience and the unrealised visions entertained by those who imagined the colony as an agricultural utopia. Not only was the climate not amenable to such imaginings, the British colonists lacked the will to create social, economic and political systems necessary to extend a meaningful sense of place to all its people; a meaningful sense of place was reserved for the privileged few. The tribal ground belonged to the tribe, but the rural district belonged to a few wealthy families. Most of the rest were condemned to an absence of meaningful attachment, especially the many farm laborers and domestic servants; for them a meaningful attachment to place as home and the sense of well-being which derives from that attachment was chronically elusive.

If we leave aside the normal human tribulations such as illness, emotional discordance and death, the differing levels of access to participation in the total social process in the Central North meant that only a small minority consistently experienced the synchronicity of home and reach to which Buttimer refers. For most people, the sense of place, as defined by Buttimer, was deficient, episodic, transitory, tentative and vulnerable. Only the privileged, and before them local Aborigines, consistently engaged in the creative process of centring. Until the British invasion, the Pallitorre and the Panninher experienced a delicately constructed balance between home and outward reach. Most landowners experienced a solid, centred sense of home and outward reach and the sense of attachment to community, both local and distant, which followed. Most tenant farmers, forever dependent on the discretion of the landlord and externally generated demand for their produce, experienced truncated forms of the sense of place accessible to landowners. Home belonged to someone else, and outward reach was restricted by the demands of survival. For many tenant farmers the Central North was a place of unrelenting hard work, grinding poverty, insecurity, unpredictable weather, and pests and diseases, leavened occasionally by the coincidence of good seasons and paying prices. Later in the century, the horizons of reach for some tenants were widened by the local agricultural boards, a widening franchise, and the development of the dairy industry. For many landless labourers, especially emancipists, chronic homelessness, constant surveillance and regular incarceration were more common, relieved episodically during harvest season or for emancipists by the uncongenial milieu of the invalid depot. For these people, there was plenty of reach but precious little home. Many people, especially tenant farmers and members of the working class, took actions designed, unwittingly or otherwise, to retain or improve their sense of place. Aborigines, the Hagley clique, and many emancipists fought this fight; their efforts have left an indelible mark on the character and structure of Tasmania.

Home was not simply a dwelling place or farm one owned. Notions of home operated on different levels and changed during the colonial period. Earlier in the period, home was England and no amount of property in Tasmania could change that. Louisa Meredith typified this inner contradiction when she reflected on a visit to a 'dark shining old-fashioned overshot wheel' on the Liffey River at Carrick in 1844. The wheel

brought to my mind the many old water-mills I had loved to loiter beside at Home; and as the vexed stream flowed onwards, lodging its creamy wreaths

of foam on the rushes as it hurried along, it seemed like the strange links of a dream, to unite the long-ago with the more recent scenes of my life; till it rushed madly down a little ravine, and tumbled again into the parent stream, carrying all my retrospective romance along with it, and leaving me ready to walk back to tea.

On a return visit, Meredith found that 'a tall, sharp, grievously neat, new mill' had replaced 'the picturesque old wooden building', and she was 'thankful I am never likely to pass through Carrick again'.²³ Meredith could feel at home if she could associate Tasmania with 'Home'. A similar impulse is evident in her description of the Avenue Plain and the wild, threatening forest beyond.²⁴ In the latter years of the colonial period, some people with a good balance of home and reach did form emotional attachments to Tasmania and the Central North, especially to the wilder natural places. Peregrinator's reflective probing of his attitudes and responses to the many manifestations of place on his trip from one end of the Central North to the other, especially his experience in the bush near Cradle Mountain, illustrates this process of gradual attachment to Tasmania as home. With no memory of 'Home', Peregrinator and his companions were less inhibited deriving their sense of self-identity from their native place, even though at times that place could be hostile. Measures to protect indigenous species on the basis of their inherent value also suggest that attitudes to nature later in the colonial period broadened out beyond the fear of difference which afflicted Meredith and the pervasive developmentalist mentality. In the early twentieth century, the emergent national parks movement consolidated this process.

By century's end, major changes had occurred in colonial society in the Central North, increasing opportunities for more individuals to construct a balanced sense of place. The convict society had become free, Aboriginal hunting grounds, for decades used for cropping and grazing witnessed the emergence of the dairy industry, and political power had shifted from the tenanted estate and country town to the colonial parliament. The society which for most of the period had promoted and protected the interests of landed privilege turned its attention to 'the public good', promoting agricultural improvement, centralising control of its public institutions, democratising land ownership, and widening participation in the political process. In many ways these changes were quite revolutionary. This is not to suggest, however, that Tasmania miraculously became the place of milk and honey which the social romantics such as Maurice Weston had extravagantly imagined. But did the push for the public good actually enhance a sense of place for more people by increasing opportunities for a wider experience of home and



Victoria Falls, Liffey River, 1901

outward reach? I doubt that the wheat farmers thought so. Their sense of Tasmania as home was not complemented by adequate economic reach, which remained frustrated by the free trade policy and forced them to discard their traditional occupation in favour of grazing and dairying. Wide-ranging disempowerment remained the lot of many people, especially the working

classes, for decades to come. The exodus of young Tasmanian men during the Great War, in what was for many a horrifying search for adventure, suggests whatever sense of home they had achieved was not balanced by a satisfying reach; achieving that reach required for many a long and final journey. Indigenous Tasmanians, many of them still reeling from western assaults on their society and culture, still struggle to re-capture a truly meaningful sense of place.

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In the latter half of the twentieth century the opportunity for a balanced sense of place has considerably widened for many, although indigenous people and the poor are still often denied this fundamental human right. At the present time, however, the forces of electronic globalisation are undermining our sense of place, and in the process inducing an epidemic of placelessness. Most people live in large cities of uniform design and sterile suburbs divorced from the energy and succour of nature. The forces of human technology continue to wreak havoc on the natural world. We are in great need of assertions of the importance of place, especially local place. I offer this history of one place, Tasmania's Central North, in the spirit of this need.

Notes

¹ Edward Relph, *Place and Placelessness*, London: Pion, 1976, p1

² Kiddle, Margaret, *Men of Yesterday: a social history of the Western District of Victoria 1834-1890*, Melbourne: Melbourne University Press, 1961; D.W. Meinig, *On the Margins of the Good Earth: the South Australian wheat frontier 1869-1884*, Chicago: Rand McNally for Association of American Geographers, 1962; D.B. Waterson, *Squatter, Selector & Storekeeper: the Darling Downs 1859-1893*, Sydney: Sydney University Press, 1968; W.K. Hancock, *Discovering Monaro: A Study of Man's Impact on his Environment*, London: Cambridge University Press, 1972; Sue Rosen, *Losing Ground: An Environmental History of the Hawkesbury-Nepean Catchment*, Sydney: Hale & Ironmonger, 1995

³ Stephen Dover (ed.), *Australian Environmental History: Essays and Cases*, Melbourne: Oxford University Press, 1994, intro pp 3-6

⁴ Ryan, *Aboriginal Tasmanians*, 1981; Reynolds, *Fate of a Free People*, 1995; Pybus, *Community of Thieves*, 1991; Maykutennner (Vicki Matson-Green) 'Tasmania 2', in Ann McGrath (ed), *Contested Ground: Australian Aborigines under the British crown*, Sydney: Allen & Unwin, 1995, pp 338-358

⁵ Richard Flanagan, *A Terrible Beauty: a history of the Gordon River country*, Melbourne: Greenhouse, 1985; Castles, 'The Vandemonian Spirit', 1991; Jetson, *The Roof of Tasmania*, 1989; Boyce, 'Journeying Home', 1996

⁶ *Illustrated Tasmanian News*, December 1873

⁷ Merchant, *Ecological Revolutions*, pp 19-20

⁸ *Daily Telegraph*, 2 September 1898

⁹ *Cornwall Chronicle*, 1 September 1874

¹⁰ *Examiner*, 28 July 1898

¹¹ *Daily Telegraph*, 2 September 1898

¹² *Daily Telegraph*, 2 September 1898

¹³ *Daily Telegraph*, 2 September 1898

¹⁴ William J Lines, *Taming the Great South Land*, 1991; Nigel Wace, 'Naturalised plants in the Australian landscape', in R.L. Heathcote (ed), *The Australian Experience: essays in Australian land settlement and resource management*, Melbourne: Longman Cheshire, 1988, pp 139-150

¹⁵ Berndt & Berndt, *World of the First Australians*, p137

¹⁶ Josephine Flood, *The Riches of Ancient Australia*, Brisbane: University of Queensland Press, 1990, ch2, discusses climatic conditions during the Pleistocene.

¹⁷ Michael A Godkin, 'Identity and Place: clinical applications based on notions of rootedness and uprootedness', in Anne Buttimer & David Seamon (eds), *The Human Experience of Space and Place*, London: Croom Helm, 1980, p73

¹⁸ Martin Heidegger, *The Question of Being*, New York: Twayne Publishers, 1958, p19, in Relph, *Place and Placelessness*, p1

¹⁹ Heidegger, *The Question of Being*, p19, in Relph, *Place and Placelessness*, p1

²⁰ Anne Buttimer, 'Home, reach and the sense of place', in Buttimer & Seamon (eds), *The Human Experience of Space and Place*, pp 167, 170-71, 184-86

²¹ See Campbell Macknight, 'The history of place: The Historical Survey of Northern Tasmania', *Tasmanian Historical Studies*, vol 4/2, 1994, pp 3-8, for a discussion of the historian's task of exploring the human experience of place.

²² *The Examiner*, 5 May 1847

²³ Meredith, *My Home in Tasmania*, p157

²⁴ for a discussion of the role of associationism in the process of becoming Tasmanian, see Robert Dixon, 'A "Complicated Joy": the aesthetic Theory of Associationism and its influence on Tasmanian Culture', in Michael Roe (ed), *The Flow of Culture: Tasmanian Studies*, Canberra: Australian Academy of Humanities, 1987, pp 122-141

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